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Dedication.

I DEDICATE this work to Robert Applegarth, a loyal friend and earnest co-worker with me in the cause of Labour, Elementary and Technical Education, and general Political and Social Progress for forty years.

We have worked together side by side in the vineyard, in the burden and heat of the day, when the labourers were few, the work dangerous as well as harassing, and the recompense mostly public abuse.

His share in the work, in the sixties and early seventies more especially, is not forgotten by those of his colleagues who still survive; by me it is remembered with a comrade's sincere pleasure, and the gratification that he is still my friend and companion.

GEORGE HOWELL.

CHRISTMAS DAY, 1901.

PREFACE TO THE SECOND EDITION

THE chorus of approval with which this work was welcomed by all sections of the Press on its first publication, encourages the belief that a new Edition will not be less welcome. The errors in the First Edition were few and unimportant, all except two being mere printer's errors in the spelling of names. In one case a date was wrong by a year, in another a quotation was slightly inaccurate. These are corrected.

It is most satisfactory to the Author that in no instance was any statement of fact called in question. Differences in views and conclusions were expected, and as to these my critics were courteous, even generous. The reviews were numerous, appreciative, and complimentary. The *Times*, *Daily News*, *Scotsman*, and some other Dailies, and also some Weeklies and many Magazines and Journals were most favourable. In only one instance, out of some sixty Notices which I received, was there a discordant note. In that case the ignorance of the reviewer was obvious, while his personal rancour was conspicuous. He has the unenviable distinction of standing alone.

I was, not unnaturally, afraid that the personal element in the book was too pronounced. My critics generously thought not. The work was intended to be a truthful record in the realm of industrial history, a branch too often neglected by historians; to concede that he has accomplished this, is the greatest praise that could be given to the writer.

November 12, 1904. GEORGE HOWELL.

PREFACE

AS references are frequently made, especially during election times, to the respective political parties by whom legislation for labour was carried, it was often suggested to me that I should tell the story as I knew the facts. But I always refused because the whole truth cannot be told from a party point of view. I had, nevertheless, resolved to tell the story from an independent standpoint as early as 1880, but the work was deferred for various reasons until I had more leisure. The story of Labour's struggles, its victories and defeats; the fierce contests which for centuries were waged against it to keep it in subjection; and its resistance from time to time, involving suffering, privation, prosecution, and persecution required to be told, for it finds no place in the so-called "Histories of England." For half a century my lot has been cast amid those struggles; and I have, as best I could, contributed to the amelioration of the hard conditions under which working men still suffered fifty years ago, to emancipate themselves from which they fought and strove against the oppressive forces opposed to them.

The following work is an attempt to trace progressive legislation from the date of the first repeal of the Combination Laws in 1824 to the present time. In order to do so it was necessary to indicate generally, but clearly, the nature of the laws adverse to labour as they existed at the close of the eighteenth and during the first quarter of the nineteenth century. That part of the story required to be told in some detail, as no adequate connected account is elsewhere to be found, a full knowledge of which can only be acquired by the tedious process of

wading through the "Statutes at Large," aided by a complete digest of the laws in force in 1800 and for some years subsequently. I have tried to obviate this necessity once for all, as few, perhaps, will care to attempt the difficult and laborious task of perusing and collating the statutes.

If it be objected that the account here given of labour legislation and movements connected therewith is too circumstantial, I reply that it is better to be too circumstantial than to be too meagre. To have left out an important fact or incident would have been a fault open to criticism; to include what some might regard as not essential, is at the most only an error of judgment. In the endeavour to be accurate, fulness of treatment was necessary. No such record has ever been published, so that the public need information respecting the subjects dealt with, as may be seen daily by references in the Press, on the platform, and even in Parliament itself.

It may be said that the personal pronoun is used too freely. Perhaps it is, but not through egotism. In places I have had to record facts and incidents not only within my knowledge, but with which I was personally concerned, and had indeed much to do. I was the representative and mouthpiece of others—the medium of communication between parties and persons, oftentimes the only one, in and out of Parliament.

In some instances I have had to speak of matters known only to myself; at other times to one, two, or three others. In such cases I alone am responsible for the accuracy of the record. At the same time I have made use of such documentary evidence to assist my memory as I possess, and probably no other person has a complete set of reports, memorials, tracts, and other papers to refer to. Where I have been in doubt I have consulted one whose knowledge of the events and services can be relied upon, because he was an active coadjutor in the movements described. I may further add that the free use of the personal pronoun enables me to fix upon myself a responsibility which I could not saddle upon others.

I may be charged with repetition in some cases. This was inevitable in such a record where facts and circumstances are of more importance than opinions and reflections. The record covers a very wide field; the subjects dealt with are numerous; and the period over which it runs is long. The narrative, in the main is chronological. But this method could not be strictly adhered to without endless repetition, for the same subjects come up again and again at different periods. I have therefore detached some subjects, and treated them in sequential form for the sake of clearness. This method has necessitated some repetition, but less, I imagine, than any other method of treatment where the subjects recur frequently.

It may further be said that the treatment is unequal. Doubtless that is the case. But the subjects dealt with are very numerous, and the phases of each vary considerably. There are breaks in their history, the threads of which have had to be picked up at intervals. Much may have happened meanwhile. In such a work the author will have attained much if he has avoided being obscure.

Perhaps a sense of proportion is not always observed. In this respect the writer ought to have some right of judgment. What to others might seem unimportant may to him appear of consequence in relation to the whole or to the particular part objected to. Proportion in a landscape is determinable in an unerring manner. In history the apparently unessential often requires to be in the foreground.

My chief aims have been accuracy and such fulness in the record as will enable the reader to follow and understand the sequence of events, and to estimate the general results. There is a lamentable lack of knowledge of industrial history. We note it day by day in the Press, in speeches of public men, in club life, and in the domestic circle when such matters arise. A wider knowledge is desirable from all points of view.

December 20, 1901. GEORGE HOWELL.

CONTENTS

(*Note.—The Numbers refer to Paragraphs, not to pages.*)

CHAPTER IV

CHAPTER V

CHAPTER VI

CHAPTER VII

CHAPTER VIII

CHAPTER IX

Revival of Agitation; Progress of Unionism, Strikes, &c.

CHAPTER X

Further Growth of Unionism ; Employers' Fears ; Inquiry in 1838

CHAPTER XI

Labour Movements in the Forties, Political and Industrial

CHAPTER XII

CHAPTER XIII

CHAPTER XIV

CHAPTER XV

CHAPTER XIX

PAGE

THE ROYAL COMMISSION: FINAL REPORT AND AFTER

CHAPTER XX

LEGISLATION: TRADE UNION ACT; CRIMINAL LAW AMENDMENT ACT

CHAPTER XXI

EFFORTS TO REPEAL THE CRIMINAL LAW AMENDMENT ACT, 1871

CHAPTER XXII

DEPUTATION TO MR. BRUCE; HIS ATTITUDE; BILLS; MR. GLADSTONE'S POSITION

CHAPTER I

INTRODUCTION—STATE OF THE COUNTRY—MECHANICAL INVENTIONS—POPULATION—FOOD SUPPLIES—INCLOSURE OF COMMONS, &c.

IT is admitted on all hands that the nineteenth century was unique in the history of progress—unapproached in national development and commercial prosperity. It would seem that all previous centuries were preparatory and contributory. Clearances had to be made, the ground tilled, and the seed sown. In the nineteenth century came fruition, and at least a partial ingathering of the harvest. Partial in this sense—each crop was, in its own way and according to its nature and character, reproductive. The garnering, from time to time, of the enormous produce did not impoverish, but enrich, each successive generation, thus leaving to posterity a vast inheritance, capable of almost infinite expansion, in the twentieth and succeeding centuries.

1. *Popular Testimony as to Progress.*—At the close of the nineteenth and commencement of the twentieth centuries the newspapers, periodical press, and a portion of the general literature of the day were filled with glowing accounts of what had been accomplished during the preceding hundred years. Almost every phase of progress was described, according to the views, idiosyncrasies, peculiar tastes, experience, or knowledge of the respective writers. The descriptions varied in matter and style, but all agreed at least in this—that the progress made was marvellous in almost every respect, as regards the United Kingdom and its colonies and dependencies,

in expansion, population, and wealth, and in commerce and trade, the sources of wealth. The following pages are devoted to the progress of labour—its rights and duties as recognised by the State.

2. *Expansion of Empire.*—The "Australian Commonwealth" was created and constituted at the close of the nineteenth century; the celebration of the event, and formalities in connection with it, form part of the annals of the year of grace, 1901. At the commencement of the nineteenth century Australia was little known, even to writers on geography, or to Government officials whose duties lay in that direction. To the mass of the English people it was only known as a "penal settlement"—Botany Bay, chiefly, and as such hated. That vast continent, and its adjacent islands, have become the home of the English-speaking race, peopled mostly by British people. Australasia is immense in territory, with enormous resources, capable of speedy development. "The Canadas" have changed into the "Dominion of Canada," with the accession of that vast territory known as British Columbia, its seat of Government, for that portion, being at Victoria. India was incorporated in the British Empire in 1858, up to which date it was under the management and control of a chartered company, which ended in revolt, bloodshed, and terrible atrocities. The area and population of India under the British Crown have vastly increased since that date—it is indeed our greatest possession in the world. In Africa we have a gigantic stake; in the South, the Cape and adjacent territory; in the North we hold Egypt; and we are now preparing the way for a junction between Cairo and the Cape, with all the mighty responsibilities attaching thereto.

3. *British External Trade.*—With this expansion of Empire and vast increase of population under the British Crown a gigantic British trade has grown up, so colossal in its magnitude, that the human mind is incapable of grasping its proportions. We can only express its magnitude upon paper; to enable the eye to measure it we compare it with other magnitudes similarly expressed,

and then draw conclusions as to proportion by such comparison. This only refers to our external trade—imports from, and exports to, foreign countries and British colonies and possessions. The carrying capacity of our Mercantile Marine, for the transport of produce and manufactures to and from all parts of the world, is stupendous. Our home trade—production and consumption—is immense—apart from external trade is, indeed, incalculable.

4. *Scientific Discovery and Inventions.*—The last half of the eighteenth century was prolific in discoveries and inventions, but the nineteenth surpassed it in the application of such to manufactures, to transport, and to the conditions of everyday life. The use of water-power and then steam as a motive force were products of the eighteenth century; but the practical application of steam for the purposes of locomotion, navigation, and manufacturing processes belong to the nineteenth century. Gas was first used for lighting purposes in its first decade, though its discovery may have been made earlier. Electricity, magnetism, and allied forces had been subjects of experiment from the days of Newton, Priestly, Faraday, and others, and some idea of their practical utility for the service of man had dawned upon the minds of several at an early date. But it was only in the nineteenth century that these forces were made applicable for the transmission of messages to the farthermost ends of the earth: for lighting purposes, as a substitution for gas, and then for locomotion. These inventions, developments, and applications have, as it were, annihilated time and space, or at least have rendered those terms elusive, almost unintelligible, as used and understood a hundred years ago. They have changed the whole conditions of life, commercial, manufacturing, industrial, and social, in all essential respects.

5. *Industrial Revolution.*—In all that concerns industry and the social life of the workers the changes are quite as great as in other departments, if not quite so obvious and striking. Domestic industry has given place to huge

manufacturing concerns. Instead of master and man and an apprentice or two—the master a worker and teacher—we have employers on a vast scale, with thousands of *employés*. Hence the necessity for collective bargaining, which in the old times was scarcely needed. One example must suffice. In the textile trades: Arkwright, a barber, and Kay, a clockmaker, invented throstle spinning with the water-frame. Then Hargreaves invented his spinning jenny. Up to 1765 all cotton threads were spun by the fingers; the jenny could spin twenty ends at once. Then Crompton, of Bolton, invented the "mule"; the first machine completed enabled him to spin fifty ends at once of the finest counts. The "mule," in principle very little altered, now spins thousands of ends, up to five hundred counts, as fine as a gossamer's web, and employs millions of people in the manufacture. Between 1780, when Crompton was enabled to work his invention, and 1825 our purchases of cotton increased from 6,766,613 lbs. to 147,147,000 lbs., thus adding more than £20,000,000 annually to our national resources.[1] In weaving the power-loom superseded the hand-loom similarly.[2] In all industrial enterprises progressive development has been the same, though not quite so strikingly rapid in its results.

6. *Newer Industries.*—Mechanical inventions, the science of chemistry, and other developments have created newer industries, instituted newer processes and methods. The power of production has been almost infinitely increased, and consumption has almost kept pace with it. The changes have been greater and more manifest in some industries than in others. The most signal, perhaps, is in the textile trades. But, to the general eye, engineering would probably take the lead. A century ago —what was it? A name? Scarcely. The term "mechanic" was known, "machinery" was known, but "engineer" hardly. Now the term "engineering" re-

[1] See "Life of Crompton," by Gilbert J. French, 1859; and William Morgan, *Bow Churchyard Review*, January, 1901.

[2] See Baines's "History of the Cotton Manufacture," 1825.

presents the greatest known force in the universe, creating and controlling the most beneficial mechanical power conceivable, and also, alas! the deadliest engines of destruction.

7. *Printing and Paper Trades.*—A century ago the printing press was shackled, limited in extent, and its influence retarded. The paper trade was, in a sense, in its infancy. Both have developed amazingly; they have been perfected by inventions, new processes, and new applications. Wealth has increased beyond the dreams of avarice. Health and luxury have advanced, and in that advance all sections of the people have participated, albeit unequally. Still all have shared. Progress has touched everything; if it has not effected all that could be desired, it is because evolution works slowly, oftentimes imperceptibly.

8. *Social Condition of the People.*—Great as the progress has been in the directions mentioned, and in others not indicated, it has been nearly as great in respect of labour. This may not be so obvious to the public, not even to statesmen and politicians, as in the cases referred to; but that arises from the fact that we judge of social and economical conditions by what we see. We compare the present with the present. In other words, we see the divergence of classes, in their social relations, as they exist—the poor and the wealthy, the worker and the capitalist—and then cry out as to the disparity; the indigence of the one as compared with the luxuriousness of the other affords a striking contrast. Hence we sometimes hear of the rich growing richer and the poor, poorer, a doctrine as untrue as it is repugnant to our sense of justice.

In order to understand the subject here dealt with, and to estimate the progress made, it is essential that we should go back one hundred years, and describe things as they were in relation to labour; the position of the workpeople as regards rates of wages, the hours of labour, the conditions of employment. To what extent they were protected, or rather unprotected. What was the

real value of wages in commodities—the price of food, clothing, &c., &c. How the working classes were housed, how relieved in sickness and old age. How educated, what their recreations were. What their social status was as men and as citizens. How they were treated as men and as workmen. Under what laws were they governed, and how were those laws administered. All these matters lie at the root of the question —What has labour legislation done for the people?

9. *Population, Famine, Food-supplies.*—At the census date, 1801, the total population is estimated to have been 16,345,646. The respective figures were: England and Wales, 8,892,536; Scotland, 1,608,420; and estimated for Ireland, 5,319,867; the Channel Islands, 82,810. For some years previously there had been serious anxiety as to the possibility of feeding the people, and staving off famine. Starvation there was, sadly enough; privation among the masses was general. Importation of food-stuffs was prohibited to a large extent, or was so hampered with customs duties that prohibitive prices prevailed. The disturbed state of Europe, and the French wars in which we were engaged, sometimes in alliance with other States, and sometimes almost alone, rendered free importations difficult, if not impossible, even if our fiscal policy had been such as to have admitted imports freely. But, in reality, Free Trade was then only a dim dream, foreshadowed indeed by Adam Smith, and perhaps believed in by the few who had read his "Wealth of Nations," in which such a dream was enshrined.

10. *Inclosure of Commons.*—The one great remedy proposed was the inclosure of commons and the cultivation of waste lands. In 1795 Sir John Sinclair proposed and obtained a Select Committee to inquire into this subject, the outcome of which was three Reports, dated respectively (1) December 23, 1795; (2) April 27, 1797; and (3) April 17, 1800. The resolutions in the first Report declared: (*a*) "That the cultivation of Waste Lands and Commons is one of the most important objects to which

the attention of Parliament can possibly be directed." (*b*) "That the granting of a bounty to encourage the cultivation of potatoes" would be of the greatest value. (*c*) That a Bill be prepared to facilitate "the division and inclosure of Waste Lands and Commons. The Committee reported that there were "22,000,000 acres of waste and unenclosed lands in the kingdom, all of which, except 1,000,000 acres, were capable of improvement." The second Report dealt with the number of private Inclosure Acts, their cost, and the acreage of lands so inclosed. In the four reigns of Queen Anne, George I., II., and III., down to the date of the Inquiry, 1,776 Acts had been passed, the extent of land inclosed being 3,142,073 acres. The third Report, December, 1800, dealt with the fees and costs of Inclosure Bills. The essence of the Reports was that a general Inclosure Act should be passed to facilitate inclosures and cheapen the cost. The common lands were to be filched from the people by Parliamentary sanction, the same to be handed over to landowners and lords of manors at a minimum cost. And a proposal was made, but not embodied in law, to give a bounty to the new owners to enable them to cultivate the land. The outcome of it all was that in the three years, 1798–9 and 1800, there were 180 new Inclosure Acts, inclosing 369,740 acres, making a total of 1,956 Acts, inclosing 3,511,814 acres from 1702 to the end of 1800. From that date to 1845 no fewer than 2,060 new Inclosure Acts were passed, inclosing 2,801,612 acres; making a total of 4,016 Acts, inclosing an aggregate of 6,323,426 acres up to 1845, when the process of inclosure was arrested to some extent near to the metropolis and other large towns. This was the wiseacre policy of the State, at the instance of the land-owning interests, to stave off famine or food scarcity.[1]

11. *Cost and Scarcity of Provisions.*—The question of feeding the people, and averting threatened famine, was complicated by the alleged failure of crops in two

[1] I exonerate Sir John Sinclair from bad intention, but his policy was bad.

seasons successively; but the public journals generally denied that the lessened production justified the high prices of wheat and other grain. The legislature thought the same, apparently, for the export of such produce was prohibited. The price of corn in the second week in March, 1801, ranged from 184s. to 187s. per quarter in two counties, to 168s. per quarter in Middlesex. In the other counties the prices ranged from 125s., the lowest, to 180s. per quarter. The difficulties and cost of transit would account for some variations in price. Efforts were made to prevent "cornering," by "forestalling" and "regrating," so as to arrest artificial prices; but those efforts were of little avail. In order to avert starvation, an Act was passed in 1800 to enable flour merchants and bakers to mix barley and oatmeal with flour. But on February 5, 1801, a Bill was brought in by Mr. Yorke to repeal such Act, because of its being "grossly abused, and had not answered its object." On that day the Bill was read a first and second time, and on the day following it passed through Committee, was read a third time, and passed. Parliament thus resented the rascality of purveyors of adulterated food, if it failed to propose an adequate remedy. Parliament also sanctioned proposals and provisions for the limitation of the use of bread by the wealthier classes, and the King adopted measures for that purpose in the Royal household. All this was well meant enough, but the Court and the rich had plenty of all-sufficient substitutes—for "man does not live by bread alone." The action, however, indicates how near the country was to a disastrous famine.

12. *Assize of Bread and Evasion.*—The high price of provisions continued such that a Select Committee was appointed to inquire into the subject and report. Mr. Ryder brought up the Committee's Report on February 12, 1801. The quartern loaf in London, as declared by the "whole assize," was fixed by the Lord Mayor at 1s. 3d.; at the next assize at 1s. 5½d., then to 1s. 6d., and bakers were not allowed to expose for sale any bread until it "had been baked twenty-four hours at least." But the

price went up, until at one period it reached 1s. 11½d. the 4-lb. loaf. Rice and other substitutes were extensively used to stave off famine. And then comes this notable paragraph in the public journals: "The further rise of bread cannot fail to excite the most serious attention, more especially, if true (and it seems to have been true), that upwards of twenty ships laden with corn have remained in the river [Thames] more than a fortnight, for want of warehouse room to receive their cargoes." The people starving, and warehouses so overful that there was no room for more grain! Horrible! So dear was corn and other grain that horses, cattle, and pigs were denied the use thereof, or the quantity was stinted to the smallest proportions. Hay also was dear, so that not only man but beast had to be content with limited rations. The artificers and others employed at Portsmouth Dockyard decided by resolution to abstain from the use of butter, cream, milk, and potatoes until the prices had been reduced to certain stated rates; one of the men, who had purchased the prohibited articles above the stipulated price, was "*horsed*" by his comrades, and was carried about with indignity and then expelled from their "fraternity."

13. *Conduct of Corn Merchants, &c.*—The exasperation against "regrators and forestallers" was such that public meetings were held to denounce them, some being prosecuted. Warrants were "issued for the apprehension of twelve regrators and forestallers at Sheffield," but it was found that the ancient laws of the Saxons, and of later periods, were repealed in 1772 by the 12 Geo. III. "It was the last Act but one, passed in a very thin House, by the same Parliament that entered into the American War." The tone of the Press against what the Saxons called "ingrossing and forestalling" was most severe. In one instance, where a jury had returned a verdict of guilty, the judge said "that they had conferred a benefit upon their country greater than any jury had ever done before." In commenting thereon one journal said: "A greater crime never yet existed, nor is there any to be compared

with it, in the extent of its mischievous operation." The prosecution and conviction of some offenders caused a panic for a time, but the practice continued. It was proven in evidence that corn, in some cases, had been sold six times over, in one and the same market, to be resold possibly as many more times, ere it reached the consumer as bread. The inhabitants of Newbury, Berkshire, resolved to discontinue the use of butter until the price was reduced to 1s. per lb. Other towns protested against the high price of provisions in various parts of the kingdom. It was not so much actual starcity that was complained of; it was artificial scarcity, by keeping back corn and other provisions, and thereby enhancing the price. The people starved while speculators grew rich. It was denounced as a base conspiracy against the community by the Press.

14. *Hunger and Bread Riots.*—Privation to the verge of, if not to actual, starvation led to bread riots in London and in the provinces. At Dartford, in Kent, "a Quaker, who was a large miller, was hanged in effigy by the mob." In the Blackfriars Road a corn dealer who had been convicted of "regrating" had his furniture destroyed and his house damaged; but the mob gave free passage to the wife and children to escape unhurt. Riots occurred in Mark Lane, in the Borough, and elsewhere. The rioters were dispersed by the military; hunger was opposed, but not appeased, by cold steel. It is a sad, sad story—the records of hunger and bread riots—at the close of the eighteenth and the dawn of the nineteenth century.

15. *The Corn Laws.*—It is even sadder still to remember that the evils continued, more or less, up to 1846 by the operation of the Corn Laws. Prices were kept up artificially in periods of plenty by bounties; in seasons of alleged scarcity because of the partial scarcity; and then, also, by withholding the produce corn growers, landlords, merchants, millers, and others maintained their profits, though the people were unfed or underfed. Hunger, discontent, rioting, and evils connected therewith con-

tinued in each of the four first decades of the nineteenth century, and until the Corn Laws were repealed in 1846. Suffering dulled the edge of sorrow, and men, grown desperate, faced death by rifle and bayonet as an escape from the miseries of a poverty-stricken life. The evil-doers had the protection of law and the forces of the Crown; the sufferers had no remedy, except resistance; and then—the workhouse, the prison, or death in the streets. The record is a sad one. The above is no exaggeration; indeed, it is hardly possible to exaggerate in this case, as those well acquainted with our history at that period know.

CHAPTER II

ECONOMIC CONDITIONS—WORK, WAGES, HOURS OF LABOUR, &c.

IT is extremely difficult to ascertain the exact rates of wages prevailing in various industries at the commencement of the nineteenth century. The rates quoted in some of the earlier works—from 1800 to, say, 1830—are often fallacious, as they were the rates chargeable by employers to customers for day-work, or by the week, but afford no clue to the actual wages paid to the workman. In general terms the position was this: Work was scarce, wages were low, the hours of labour were long, and the conditions of employment were altogether unsatisfactory from the worker's point of view. Work was scarce by reason of continental wars and rumours of wars, except in so far as the Government gave employment to those engaged in the supply of war material, transport services, and the like. Even in the agricultural districts work was uncertain and irregular, except for hired farm servants engaged at the annual hiring fairs. In the textile trades women and children were employed greatly in excess of the men, while in other trades there were fluctuations and depressions, due to the disturbed state of the country. The development of the engineering industries was hampered by the prohibition of exports of machinery, as were other products. The wonder is that British industry was not strangled altogether, for the iron hand of the law was at its throat,

and the lawmakers declared that the law's grip was necessary to prevent extinction by some other unknown means.

1. *Rates of Wages.*—As before stated, it is difficult to ascertain the exact rates of wages in the various industries of the kingdom a hundred years ago. Generally speaking, the rates of wages of mechanics and artisans ranged from 18s. to 20s., or 24s. to 25s. per week, according to the locality. There was no such thing as a "recognised trade union rate," except that combinations tried, where possible, to fix a minimum in the towns where a secret union dared to exist. The wages of hired day-labourers varied from 9s. or 10s. per week to 12s., 14s., or 15s. in very exceptional cases, but the average would not exceed, at the best, 10s. or 12s. per week. In the agricultural districts the wages of male farm servants varied from 6s. or 7s. per week to as high as 9s. per week, but the latter rate was quite exceptional. The real value of those rates of wages, with bread and other provisions at the then preposterously high prices, can be easily conceived. It took fifty years to raise those rates at the maximum to 30s. per week for mechanics and artisans, to 15s. to 18s. per week for labourers, and to 8s. or 10s. per week for agricultural labourers, and then only in the more prosperous districts. In the thirties, forties, fifties, and even in the early sixties, the bitter cry of "starvation wages" was often heard among the workpeople, as any one conversant with British journalism will know. During the first half of the nineteenth century especially official Reports to Parliament on the condition of the people indicate privation and want, while the reports and speeches at Chartist conventions and meetings show existing distress to have been such that revolt was advocated, and even revolution was more or less publicly threatened as a means or escape from dire poverty.

2. *Advance in Wages Movements.*—In the struggle for increased wages the artisans and mechanics of London were always in the forefront of the battle. Manchester, as general rule, came next. In the metropolis it was an understood thing that wages should be higher than in

provincial towns; in this employers acquiesced, if they did not wholly agree with it, as an economic principle. The reasons for higher wages were higher rents, dearer provisions, and probably the long distances which men had often to walk to their work. The building trades were often pioneers in wages movements, the operatives in those trades having secured the rate of 30s. per week demanded in the early fifties, sought to raise it to 33s. per week, and, after many disputes, succeeded in establishing that rate. It took years of struggle to enforce that rate generally in all London firms and for all branches, for employers always pleaded that discrimination was necessary, the idea being that 33s. should be the maximum rate for the best-skilled workmen, they being the sole judges of what a man was worth. Manchester and Liverpool were engaged in a similar movement, and then it spread to other towns, not for the same rate, but only for a proportionate increase upon the rates which were being paid Labourers engaged with artisans and mechanics fought for, and obtained, advances to 3s. per day, or 18s. per week, then to 3s. 6d. per day, or 21s. per week. In other trades there were similar movements, not always simultaneously, for advances in wages, and, on the whole, with success. The progress was slow; sometimes it was checked, but eventually the rates of wages gradually went up in almost all trades in the country.

3. *Hours of Labour.*—The hours of labour have never been uniform in all trades. They have varied with the nature of the industry. Formerly the variation was very great; latterly there has been a tendency in the direction of uniformity in certain groups of trades. During nearly the whole of the first half of the nineteenth century the working hours were sixty per week—a ten-hour day in the building, engineering, and many other trades, the workmen in which were described as artisans or mechanics. In other industries the hours were from twelve to fourteen hours per day, that is seventy-two or eighty-four hours per week respectively. Often the hours were longer. In

some industries they were frequently extended, as payment for overtime was not recognised generally or seldom made. If necessity required it the workers must continue at work—it was regarded as "all in the week." Excessive working hours were general in almost all industries. The ten-hours' day meant ten hours at work, often ten and a half. The men had to be in their places at six o'clock in the morning, leaving off at six in the evening. There was half an hour for breakfast, an hour for dinner, and in some trades, though not universally, "a watering half-hour" for tea. The first step taken was to give up the tea half-hour, and leave work at 5.30 p.m., but even this was resisted, although it did not curtail the ten-hour day. The reason was that many firms did not grant the tea half-hour, but merely allowed a "potman" to go round with beer, when about five minutes were allowed, just "to straighten the back." The next step was to leave work at four o'clock on Saturdays, thus reducing the week to fifty-eight and a half hours. But this was not obtained easily, as employers generally resisted it.

4. *Reduction of Working Hours.*—The building operatives of London took the lead in the movement for shorter hours on Saturdays, the first great strike for which occurred at the new Houses of Parliament during the erection of that famous pile of buildings. That contest being won, the path was smoothed for further successes. To some extent the public sympathised with the movement for shorter hours on Saturdays, to enable workmen's wives to do their shopping at earlier hours. Gradually the discontinuance of work at four p.m. on Saturdays became general, though it was many years before the concession operated throughout the whole country. In 1859 the building operatives of London were again to the forefront, this time with the demand for a nine-hours' day. It was resisted, a great strike and lock-out followed, lasting many months. At last a settlement was effected on the basis of payment by the hour, with the concession of two hours on Saturdays, leaving work at one o'clock instead of four, the workmen giving up the dinner hour,

12 noon till 1 p.m. Years afterwards the full Saturday half-holiday was conceded, the operatives leaving work at noon. The Ten Hours' Act, passed in 1847, practically fixed the working hours of factory operatives to sixty hours per week, although it was primarily intended for women and children only. In other trades and industries shorter hours have been gradually introduced, though not always to the same extent, or even proportionately. Sixty hours per week are now regarded as excessive in any industry, though even now some work to that extent, and some, alas! even longer.

5. *Conditions of Employment.*—Vast improvement in the conditions of employment has taken place as a result of trade union action and of popular sentiment. The legislature has done much in this direction, both as regards health and safety, in the Factory and Workshops Acts, the Mines Regulation Acts, and other specific Acts, as well as by the Public Health Acts. Little improvement was manifest during the first half of the nineteenth century, but some steps had been taken to pave the way, which helped to ensure the objects aimed at. Health and safety have to a large extent been secured, the responsibility being thrown upon the employer. In other respects also the legislature has stepped in, as, for example, in the matter of payment of wages. In the earlier years of the nineteenth century, up to and during the early sixties, wages were often withheld until late on Saturday nights; they were then frequently paid in public-houses, with the usual results. Men, in London especially, were accustomed to walk long distances—four, five, six, or more miles—to and from their work. There were no cheap trains, no trams or 'buses. They had to be in their places at six o'clock in the morning or lose time. In the Manchester district the men were able to arrange with employers for "walking time," in the event of long distances; in which cases the men had to be at a certain starting-point at six o'clock, the remainder of the distance being walked in the employer's time, with a stipulation as to mileage time. In numerous other ways the conditions

of employment have been improved and made more endurable, as compared with the earlier decades of the nineteenth century.

6. *Taxation—Imperial and Local.*—Though the fiscal policy of this country does not concern us here, in this connection, taxation, in so far as it affected the industrial and social condition of the masses of the people, does. In the then state of the nation, with grim poverty at the door, every penny paid in taxes reduced the purchasing power of wages, and was therefore doubly burthensome. The "paws" of customs and excise officials were upon everything—upon all necessaries of life, as well as its luxuries. The humorous picture drawn by Sydney Smith in 1820 in the *Edinburgh Review* is so apt, witty, pithy, and true, that I quote it in preference to any description of my own. He says:—

"We can inform Jonathan what are the inevitable consequences of being too fond of glory: Taxes upon every article which enters into the mouth, or covers the back, or is placed under his foot; taxes upon everything which it is pleasant to see, hear, feel, smell or taste; taxes upon warmth, light, and locomotion; taxes on everything on earth and the waters under the earth; on everything that comes from abroad, or is grown at home; taxes on the raw material—taxes on every fresh value that is added to it by the industry of man; taxes on the sauce which pampers man's appetite, and the drug that restores him to health; on the ermine which decorates the judge and the rope which hangs the criminal; on the poor man's salt and the rich man's spice; on the brass nails of the coffin, and the ribands of the bride—at bed or board, couchant or levant, we must pay. The school boy whips his taxed top; the beardless youth manages his taxed horse, with a taxed bridle, on a taxed road; and the dying Englishman, pouring his medicine, which has paid 7 per cent., into a spoon that has paid 15 per cent., flings himself back upon his chintz bed, which has paid 22 per cent., and expires in the arms of an apothecary who has paid a licence of a hundred pounds for the privilege of putting him to death. His whole property is then immediately taxed from 2 to 10 per cent. Besides the probate, large fees are demanded for burying him in the chancel; his virtues are handed down to posterity on taxed marble, and he is then gathered to his fathers—to be taxed no more."

This was true at the dawn of the nineteenth century and up to 1820, when Sydney Smith wrote his article;

some of the duties imposed were absolutely prohibitive as to articles used by the poorer classes.

7. As regards local taxation little was done for the benefit of the community, local government itself being in its elementary, or degenerate, stage. The rate most complained of was the Poor's Rate, which, in the years 1800 and 1801, "amounted to not less than six millions sterling per annum. Yet even this sum, so exorbitant in itself, and wrung with so much difficulty from the hands of the people, is so far from being adequate to the demands of the dependent paupers, that many parishes are not able to relieve more than *one-tenth* part of the numbers who apply for relief and was in absolute want of it." And to the tenth part relieved, the guardians were not able to allow more than *one-fifth* of the necessary aid required. The writer adds: "Is there a human nerve that does not thrill with horror at a picture so fully substantiated?" [1]

8. *Dwellings of the Poor and Sanitation.*—We hear much about the "housing of the working classes" to-day; a century ago that note was never heard, except, perhaps, the cry may have arisen in the loathsome hovels where fever lurked, fed by hunger. Later on, when cholera swept away its thousands, in addition to the ravages of fever and small-pox, some bold, brave men raised their voices in protest. But it was not until the danger to the wealthier classes of those hotbeds of disease was made known that public attention was called to the subject. The inquiry set on foot by the Poor Law Commissioners resulted in the Sanitary Report on the Labouring Population of Great Britain, published in 1842; in that Report, in the Local Reports, also published, together with one on the condition of the working classes in Scotland, we can see what the condition of their dwellings was in 1842. The disclosures in those reports make one wonder that the people survived the diseases then so prevalent, especially as bad and insufficient food and foul water were the chief sustenants of the suffering poor. Sanitation there was

[1] See *Monthly Magazine*, No. 69, 1801.

none. Open drains and cesspools were but traps; and one witness, the surveyor for Shoreditch, declared that the best way to deal with filth was to pour it into the open gutter in the street, in front of their own doors, for the sun to dry it, or be swept away by rain. The "great unwashed," as the people were described to be, had little chance of cleanliness; water was scarce, soap was taxed, and dear. Common decency was well-nigh impossible in the overcrowded rooms inhabited by the poor. Health and morals were alike contaminated by foul air, in crowded rooms, where both sexes indiscriminately lived, fed, and slept.

9. *Initial steps towards Improvement.*—The descriptions given in this and the previous chapter apply generally to the whole of the first half of the nineteenth century. Steps had been taken in some directions, if only by inquiry, as in the case of public health. The first Sewers' Act in London was only passed in 1848. Something had also been done for factory workers and for miners, following the Inquiry, in 1840–42. In 1846, also, the Corn Laws were abolished—"free ports" giving to the people cheaper and better food. Nevertheless, the condition of the people was still deplorable throughout the fifties. The workers were only slowly emerging into light, and the faint glimmerings of that light fed their discontent. When they had clamoured for bread, they beheld plenty, but it was out of reach. Hunger inflamed men, and some more daring than the rest saw only one way out of the evil—rioting, with possible revolution. The State saw only one remedy—force, the suppression of discontent. Hence, at times, during the years up to 1850 more especially, lawlessness was common; insurrection was openly advocated; conflicts with the authorities took place, resulting in broken heads, if nothing worse. Then followed prosecutions, convictions, imprisonments, transportations. It was a period when heroes and martyrs in humble life arose to fight labour's battles, the only quality wanting in them was prudence. And yet, perhaps, prudence might have been cowardice in many instances.

Let us think kindly of those pioneers, for they won for this and succeeding generations the freedom now enjoyed and the many advantages that have made life more worth living than it was a hundred or even fifty years ago.

CHAPTER III

ENACTMENTS, SPECIAL AND GENERAL, ADVERSE TO LABOUR.—I.

THE term "adverse," as used above, is an exceedingly mild one as regards many of the statutes included in the category; it is chosen, however, so as to include the less mischievous as well as the vicious and needlessly cruel. The two preceding chapters briefly describe the adverse conditions affecting the people generally, all sections more or less, but more especially the poorer classes. Whatever was bad affected them most; and the poorer they were, the more severely did they feel privation and want, and also the afflictions which resulted from the distress and misery they had to endure. The state of the nation as a whole was bad in the earlier decades of the nineteenth century; all grades felt the far-reaching effects of heavy taxation and high prices; but those effects were on a graduated scale, increasing in pressure and severity from apex to base, the latter sustaining the superincumbent weight, the crushing power of which became insupportable. We have now to consider the special grievances of the workers caused by legal enactments which prevented them from bettering their condition by associative effort and mutual help. The helplessness of the working population was intensified by isolation; individual action was resented and punished; combined action was unlawful and liable to criminal prosecution; the persons so offending were on conviction imprisoned or transported. The

series of adverse enactments specifically affecting labour comprise the following arranged in groups.[1]

1. *The Combination Laws.*—Under this head a number of statutes had accumulated, some of which had scarcely been designed to operate in quite the same way, or to the same extent, as in the aggregate they did operate, at the dawn of the nineteenth century.[2] The term "combination" was used to cover all kinds of associations, which term had a bitter flavour on the palate of the governing and otherwise ruling classes. They forgot, or ignored, Burke's famous distinction in the sentence: "When wicked men conspire, good men should combine." There was everywhere a wicked conspiracy against labour, but labour was not allowed to protect itself by combination. In reality no right of association was recognised as lawful, except, in a narrow sense, friendly societies, legalised in 1793, simply as local sick clubs; for they also came within the Corresponding Societies' Acts, if they had branches, or "corresponded" with each other. This disability was not removed until 1846, when friendly societies were exempted from the operation of these Acts. The fact that societies did exist, in spite of prohibition, only proves their necessity. Men dared the legal penalties; they became heroes and martyrs in defence of what was a natural and, in a broad sense, constitutional right, though filched from them by statute law, "for reasons of State," or for political reasons, to serve the purposes of the Crown, the court, or the factions of the times, without regard to equity, common justice, or the welfare and advancement of the people. Liberty was regarded as a noxious weed, which might choke the seeds of obedience; therefore it

[1] Only sections relating to labour are summarised, but those relating to political action also applied.

[2] For an account of the old guilds, their constitution; methods and means; their distribution; statutes of Elizabeth, and legislation in the reigns of later monarchs; rise of the manufacturing system; attempts at combination, &c., see Dr. Brentano's Essay, "English Gilds, 1870; and Howell's "Conflicts of Capital and Labour," 2nd ed., 1890.

must be uprooted and destroyed. Such, apparently, was the view of the then educated classes.

2. *Statutes in Force.*—The total number of enactments enumerated as being in force in 1824, and scheduled to be repealed in the 5 Geo. IV., c. 95, "Combinations of Workmen," was thirty-four, commencing with 33 Edw. I., St. II., indexed as "Conspiracy-Criminal Law," about 1304–5, and ending with 57 Geo. III., c. 122, in 1817, covering a period of about 512 years. It would occupy far too much space to summarise minutely the whole of those enactments in chronological order, nor is it necessary to do so; still a brief abstract is essential to a proper understanding and appreciation of the crushing disability of their provisions as regards labour. There is one peculiarity to be noted in the series of enactments under review, namely, their increasing severity and comprehensiveness. For example, the "Act to Prevent Unlawful Combinations of Workmen," dated July 12, 1799 (39 Geo. III., c. 81), was less severe than the one substituted for it in 1799-1800 [1] (39 & 40 Geo. III., c. 106); and the provisions of the latter were further strengthened by the Act of 1801 (41 Geo. III., c. 38). The tendency in the nineteenth century, when the tide had turned in favour of labour, was the reverse. The contrast is the more striking, inasmuch as the Act last quoted was passed in the first Parliament of the United Kingdom in 1801. There would seem to be a period in legislative repression when the arm of the legislator grows tired, or his faculties recoil from the use of mere modes of punishment. There were cases indeed where juries refused to convict, because, on conviction, the penalties far exceeded what, in their opinion, the justice of the case demanded. This, however, was seldom the case in respect of offences under the Combination Laws.

[1] "One of the first Acts of the Imperial Parliament will be for the prevention of conspiracies among journeymen tradesmen to raise their wages. All benefit clubs and societies are to be immediately suppressed" (*The Times*, January 7, 1800).

3. *Synopsis of Provisions in Force*, 1800–1824 :—

(1) If any artificers, workmen, or labourers shall conspire, &c., that they will not work but at a certain rate or price, or shall not enterprise to finish that which another has begun, or shall do but a certain work in a day, or shall not work but at certain hours and times, each offender shall, on conviction by witness, confession, or otherwise, forfeit for the first offence £10 to H.M., if the same be paid within six days, and if not, shall be imprisoned twenty-one days, with bread and water for their sustenance ; and for a second offence shall forfeit £20 to H.M., or, in default of payment, as above, shall be pilloried ; and for the third offence shall forfeit £40, or, on default payment as above, shall lose one of his ears, and be deemed infamous, and not to be credited on oath in any matters of judgment. The "pillory" is omitted in the later Act, as that was abolished, in such cases, in 1816.[1]

(2) All contracts, covenants, and agreements soever, in writing or not, at any time heretofore (viz., July 29, 1800) entered into between any journeymen, manufacturers, or other persons within this kingdom, (G. B), for obtaining an advance in wages, lessening or altering hours of labour, or decreasing the quantity of work, &c., . . . or for preventing any person from employing whomsoever he shall think proper to employ in his manufacture, or business, or for controlling or affecting any person carrying on the same in the management thereof, are declared illegal. In this section (39 & 40 Geo. III., c. 106, § 1) all contracts, covenants, and agreements already made are declared void, except any personal contract between a master and his journeyman.

(3) No journeyman, workman, or other person shall be concerned in making or entering into such contract, covenant, or agreement, in writing or not, as is hereinbefore declared illegal ; and any person on conviction of any such offence within three calendar months, on his own confession, or the oath or oaths of one or more credible witnesses, before any two justices of the county, city, or place where the offence was committed, shall, at their discretion, be committed to gaol for not more than three calendar months, or to some house of correction within the same jurisdiction, to be kept to hard labour for not exceeding two calendar months. Provision is made for administering oaths in all such cases.

(4) Every journeyman, workman, or other person who shall enter into any combination to obtain an advance of wages, or to lessen or alter the hours or duration of working, or to decrease the quantity of work, or for any other purpose contrary to this Act ; or who shall by giving money, or by persuasion, solicitation, or intimidation, or any other means, wilfully endeavour to prevent any unhired or unemployed journeyman, &c. (as above), or other person wanting employment in any manufacture, trade, or business, from hiring himself to any manufacturer, tradesman, or other person ; or who shall, for the purpose of

[1] I feel obliged to preserve the redundant phraseology of the Acts, to show their real character.

obtaining an advance of wages, or for other purpose contrary to this Act, wilfully decoy, persuade, solicit, intimidate, influence, or prevail, or attempt to prevail on any journeyman, &c., or other person, to quit his work, or employment; or who shall hinder any manufacturer, &c., from employing such journeyman, &c., as he shall think proper; or who being hired or employed shall, without just cause, refuse to work with any other hired journeyman, or workman employed, and who shall be convicted of any of the said offences on his own confession, or the oath of one or more credible witnesses, before two justices, &c., within three calendar months after the offence committed, shall, by order of such justices, be committed to the common gaol for not exceeding three calendar months, or to the house of correction, to be kept for hard labour for not exceeding two calendar months.

(5) Every person soever who shall attend any meeting, held for the purpose of making any contract, covenant, or agreement, by this Act declared illegal, or of entering into, or carrying on any combination for any such illegal purpose; or who shall summon, or give notice to, persuade, solicit, or by intimidation or other means endeavour to induce any journeyman, workman, or other person employed, to attend any such meeting; or who shall ask or receive any sum of money from any such journeyman, &c., to enter into any such combination, or who shall pay any money, or enter into any subscription towards the support of any such illegal meeting or combination, shall, on conviction, suffer such punishment, as above.

(6) No person soever shall pay or give any sum of money as a contribution for paying expenses incurred by any person acting contrary to this Act, or by payment of money or other means of support, or contribute to support any journeyman, &c., in order to induce him to refuse work, or be employed, on penalty not exceeding £10 from such offender, and £5 from the journeyman, for collecting or receiving any money or valuable for any of the above purposes, one moiety to H.M., and the other, in equal shares, to the informer and the poor of the parish; and every such offence may be heard, and conviction made on the oath of one or more credible witnesses, by two justices for the county, city, or place where the offence was committed. If the penalty is not forthwith paid, they shall issue a warrant to levy the same by distress and sale of offender's goods, with costs thereof; and if no sufficient distress can be had, shall commit the offender as in the previous sections.

(7) Every person liable to be sued for contributing money for any of the above purposes shall be obliged to answer on oath to any information preferred against him, in any court of equity, by the Attorney-General on behalf of H.M., or, at relation of any informer, for discovering sums so paid, and shall not refuse to answer by reason of any penalty to which he may be liable by his discovery; and the court may make such decree therein as seems to them just.

(8) Provision made in respect of payment into court, and making full discovery of all funds and securities, and as to penalties, &c.

(9) Every offender against this Act may be compelled to give evidence, as a witness on behalf of H.M., the prosecutor, or informer,

on any information against any other person, not being such witness, and every person giving such evidence is indemnified.

(10) Provision made for issue of summons, and of warrant for apprehension, if offender fails to appear; or warrant without previous summons, if informer believes that offender may abscond.

(11) Provision made for summoning witnesses, and issue of warrant if they refuse or neglect to attend. On refusal to give evidence, witness may be committed to gaol till he submits to give evidence.

(12) Provision as to form of conviction and of committal. Forms in each case given in the schedules of 41 Geo. III., c. 38, and previous Act.

(13) Provision as to endorsement and transmission of conviction by justices to quarter sessions, as a record, and in case of appeal.

(14) Provides that justices shall continue to use and execute all powers and authorities given them in any statutes in force, touching combinations of workmen, settlement of disputes, or as to wages, hours of working, quantity of work, and matters contained in this Act.

(15) Employers not authorised to employ any workman contrary to this, or any statute in force, without consent in writing of a justice of the peace; provides also for refusal to work by such workman, or misconduct of same, and applies penalties given in other sections.

(16) No justice of the peace who is an employer in the particular trade or manufacture in which offence is committed to act in the case.

(17) All contracts, in writing or not, between masters and others for reducing wages, adding to or altering usual hours of working, or for increasing quantity of work declared void; penalties on conviction stated, and also mode of recovery of same, &c.

(18) Provides for arbitration, in case of labour disputes, by mutual consent, and also by request of one of the parties, in writing, signed by such; if by one party, then he may require the other party to name the other arbitrator. Power is given to summon witnesses, and to adjudicate, &c.

(19) Provision is made in case the arbitrators fail to agree and sign their award, within three days after the parties have agreed to submission and signed, for either party to require the arbitrators to go before a justice, who had power to determine the dispute; to examine witnesses, and punish them on refusal to attend or give evidence. They may be apprehended on a warrant, and committed to the house of correction till they submit to be examined, &c.

(20) The parties concerned allowed to extend the time for making the award, in form directed, by endorsement, on the back of the submission, signed by the parties, in presence of a witness.

(21) The submission and award may be written on unstamped paper, to the effect set forth in the schedule.

(22) Two parts of the submission to be engrossed, one for each party.

(23) Where arbitration is demanded, submission signed, and arbitrator appointed by either party, and the other refuse to sign and appoint arbitrator within the time limited, the latter may, on conviction before two justices, be fined £10, one moiety to go to H.M., and one to the poor of the parish. There is the same power of commitment to gaol, &c., if the fine be not paid.

(24) Power is given to appeal to general or quarter sessions, if aggrieved at judgment of the justice or justices; the party or parties to enter into recognisance, with two sureties, to pay costs, and abide judgment; in default to be committed to gaol.

(25) All actions to be commenced within three months, in proper county, &c.

The above is but a condensed abstract of provisions in several Acts.

4. *Nature and Effects of Foregoing Provisions.*—The atrocious character of the provisions here summarised is such as to make one doubt whether such enactments were possible, and still more to wonder that they were in force during the first quarter of the nineteenth century. Contracts, covenants, and agreements between persons, freely entered into, are declared void, and the parties thereto rendered liable to penalty by fine or imprisonment. The provisions were also retrospective. Summonses and warrants were issued at the instance of one person, who might be, often was, a common informer, interested personally to the extent of one-fourth of the penalty. Cases were determined by two justices, both of whom being employers of labour, except that they must not be personally interested in the particular trade, &c., in which offence was committed. But they were of the employing class in whose interests the enactments were passed. The section relating to employers acting together to reduce wages, increase working hours or quantity of work was a fraud, its object being *to appear* to be fair to both parties. No cases of this kind seem to have arisen under this section. The imposition of a fine was not less a fraud, for workmen could not pay, and therefore imprisonment was their doom. Their fellows could not help them to pay, or they too would be guilty of a like offence. To read such enactments is enough to make one almost hate the term "law" in relation to labour. One of the most atrocious of the provisions is that the offender was put on oath and compelled to give evidence against himself or suffer the penalties on refusal. Alas! alas! that the legislature by enactment should thus have endeavoured to strangle labour.

CHAPTER IV

ENACTMENTS, SPECIAL AND GENERAL, ADVERSE TO LABOUR—II.

THE series of enactments comprised in this group were general in character, being mainly directed against political associations and movements, but they were capable of being used, and were used, as weapons against labour whenever workmen sought or attempted to better their condition by means of popular assembly, by association, or by the aid of the Press. The application of the provisions in the several statutes here included was even more serious than those in the Combination Laws, because the penalties and punishments were more cruelly severe, and the prosecutions were frequently, if not usually, by order of the Government, in which the common informer always played a conspicuous part.

II. *Conspiracy, Seditious Assemblies, Sedition, &c.*—Only those in force at the beginning of the nineteenth century, and which were still in force for the next twenty-five years, are here included. Eight statutes—11 Hen. VII., c. 3; 3 and 4 Edw. VI., c. 5; 1 Mary, Session I.; 1 Eliz., c. 16; 23 Eliz., c. 2; 16 Chas. II., c. 4; 36 Geo. III., c. 8; and 41 Geo. III., c. 31—had already been repealed or had expired, other statutes being substituted in their stead.

1. *Enactments in Force* 1800–1825.—The "Act for the more Effectual Suppression of Societies Established for Seditious and Treasonable Purposes, and for Better Preventing Treasonable Practices"—39 Geo. III., c. 79, commonly called Mr. Pitt's Act—was amended by 57 Geo. III., c. 19; by 60 Geo. III., c. 6; and, as

to recovery of penalties, by 39 Geo. III., c. 79; and, Power of Justices, by 51 Geo. III., c. 65.

Corresponding Societies Act.—The principal Act, 39 Geo. III., c. 79, is generally cited as the "Corresponding Societies Act," 1799; it was originally intended as a means of suppressing certain societies then existing, especially "all the societies of United Englishmen, United Scotchmen, United Irishmen, the London," to which were added "and all other corresponding societies are suppressed and prohibited as being unlawful combinations against H.M. Government and peace of his subjects." There was an outburst of feeling against the Bill when it was first proposed by Mr. Pitt in 1795, which was founded upon two proclamations with respect to recent outrages and meetings held in and near London. Mr. Fox and others opposed the Bill vigorously. A great meeting was held in Palace Yard with Mr. Fox in the chair, when the measure was denounced by the chairman "as a daring attempt upon your liberties—an attempt to subvert the Constitution of England." In spite of all opposition the Bill was carried. Commenting upon it, Sir Thomas Erskine May says: "The series of repressive measures was now complete. We cannot survey them without sadness. . . . The popular Constitution of England was suspended."[1] The excesses at that period no one justifies; but they were mostly the result of attempts to gag the Press, to silence opposition, and to prevent public assemblies; and Mr. Fox declared that it was better to repeal such Acts and give to the people full liberty to discuss grievances in public as we now do.

3. *Illegal Societies, &c., Described.*—The provisions for the suppression and prohibition of all other societies soever declared that—

(1) The members whereof who shall, according to the rules thereof, be required to take any unlawful oath within provisions of 37 Geo. III.,

[1] "Constitutional History of England" (fourth edition, vol. ii., page 330).

c. 123, or any oath not required by law; and every society the members whereof, or any of them, shall take or bind themselves to any such oath on becoming, or in consequence of being members thereof; and every society the members of which shall take, subscribe, or assent to any test or declaration not required by law or authorised as hereinafter mentioned . . . and every society, composed of different branches, acting distinctly from each other, or of which any part shall have any separate president, &c., or other officer elected for it, shall be deemed illegal societies, and every member thereof, or person corresponding with any such society, branch, committee, president, &c., or other officer or member thereof, as such, shall be guilty of an unlawful combination and confederacy. In this section the net is spread so wide as to include every kind of association except the following :—

(2) *Exemptions.*—This section shall not extend to any meeting or society of Quakers or to any meeting, &c., formed for religious or charitable purposes only, and where no other matter is discussed. But it did apply to Friendly Societies, as sanctioned by law in 1793, up to 1846.

(3) Provision is made to exempt societies and members thereof if the objects, rules, declarations, &c., are sanctioned by two justices, to be valid until the next general sessions, and then only if sanctioned by a majority of the justices then present. If not confirmed, then the provisions of the statute to apply thereafter.

(4) No former member of any such society shall be liable to the penalties hereof unless he act as such after this Act passed.

(5) Freemasons' lodges are expressly exempted from the provisions of the Act if they act in conformity with the rules of the societies.

(6) This exemption not to apply to any such society unless two members certify on oath that such society, &c., has, before this Act was passed, been conducted as a society or lodge of Freemasons in conformity with its rules.

(7) Provisions as to registration of such certificate and enrolment of same among the records of the county, &c. On complaint, by any one person, on oath, the justices have powtr to revoke certificate and dissolve meeting and punish members under the Act.

(8) Every person guilty of any unlawful combination herein dissolved may be proceeded against before one or more justices, or by indictment, &c., and every person convicted thereof on the oath of one witness (and he might be a common informer) shall be committed to gaol for three months or fined £20; if proceeded against by indictment, may be transported for seven years or imprisoned for two years, as the court may see fit.

(9) Gives power to justice or justices to mitigate the punishment or penalty to one-third the maximum as above.

(10) If prosecuted in summary way berore justices, and then convicted or acquitted, the person not to be again proceeded against for the same offence.

(11) Provides that prosecution under any other Act is not cancelled by the passing of this Act.

(12) Nothing herein provided shall discharge any person in custody at the passing of this Act or person held on bail or recognisance.

(13) *Seditious Meetings.*—Any person who shall knowingly permit any meeting of any society hereby declared to be an unlawful confederacy, or any branch or committee thereof, to be held in his house, shall for first offence forfeit £5, and for any other such offence be deemed guilty of unlawful confederacy, &c.

(14) Any two or more justices on evidence on oath that any meeting or society hereby declared an unlawful confederacy, or for any seditious purpose, hath been held at any licensed house, may declare licence forfeited, the keeper liable to all penalties incurred.

(15) Every house, room, field, or other place in which any person shall publicly read, or in which any lecture or discourse shall be publicly delivered, or any debate had on any subject, for the purpose of raising money, &c., or person admitted by payment, or agreement to pay, for refreshment or otherwise; and every house, &c., or place opened or used as a meeting-place for the reading of books, pamphlets, newspapers, or other publications, and to which any person is admitted by payment or by ticket, &c., shall be deemed a disorderly house, unless previously licensed as such. The person by whom such house, &c., shall be opened or used shall forfeit £100 to person suing for the same, and be otherwise punished as the law directs in such cases. Any person presiding or conducting such meeting, publicly reading, delivering lecture, debating, or furnishing book; and any person paying or receiving money, &c., shall forfeit £20, and be liable to other penalties mentioned in the Act.

(16) Every person hereafter acting as master or mistress or manager of such house or place shall be deemed the opener, and liable, &c.

(17) Any justice or justices who shall, by information on oath, have reason to suspect any house or part thereof is so used, may demand admittance, and on refusal such house shall be deemed a disorderly house, &c., within both Acts, the person refusing to forfeit £20.

(18) *Licensed Houses.*—Provides for licensing house, room, or other building for the express purposes mentioned in the licence, for a period not exceeding one year.

(19) Any justice, &c., may demand admission; penalties on refusal.

(20) Any such licensed house in which seditious or immoral lectures are delivered, or where publications of that character are kept, may be closed.

(21) Other licensed houses may allow readings or lectures, but if such are seditious or immoral the licence may be forfeited.

(22) The Universities, Gresham College, &c., are exempted.

(23) *Petitioning Parliament, &c.*—It is not lawful for any person to convene or call together, &c., any meeting of more than fifty persons in Westminster or Middlesex, or within one mile of Westminster Hall, except in parish of St. Paul, Covent Garden, and except

parish meetings of St. John's and Margaret's, for the purpose of petitioning Parliament or H.M. for alteration of matters in Church and State, and any assembly for such purposes shall be deemed an unlawful assembly, except called for electing members of Parliament.

(24) All societies and clubs called Spenceans, &c., and all other societies and clubs holding, or professing to hold, their doctrines, &c., shall be utterly suppressed as unlawful combinations and confederacies against the King and Government, and peace and security of his subjects.

4. *Seditious Meetings, Societies, &c.*—The Act of 1817 (57 Geo. III., c. 19) dealt with seditious meetings, societies, riot, &c. It mainly repeated the provisions in previous Acts, the object being to make the enactments more stringent in cases where they were supposed to be weak. For example—

(1) As to oaths, not words only, but "signs" of assent, were construed as an offence. Again, "indirectly" communicating with one another constituted an offence, if directly doing so could not be proved, as regards corresponding societies, evidence as to which might be given by a common informer. In fact the object appears to have been to constitute constructive treason or sedition by look or sign, and to render the accused liable to criminal prosecution, with all the penalties attaching thereto.

(2) Freemasons are again exempted. Provisions as to holding meetings, meeting-places, and persons attending are repeated, and the penalties are restated. Also as to licensed houses at which meetings are held, or alleged to have been held, the occupier being held responsible, as well as those present at such gatherings.

(3) Provides for the recovery of penalties by warrant, distress, and sale, and in default imprisonment. Any action against justices or officers, &c., for act done to be within three months; same in Scotland. Forms as to matters set forth in the schedule.

(4) Nothing in Act to supersede other enactments for punishing offences described herein. Prosecution may be under any Act. Provision as stay of action by Government. Provision as to damage caused by riot, &c.

(5) The Act did not extend to Ireland. Generally the provisions of this Act of 1817 were on the lines of that of 1799.

5. *A Further Act.*—The Act of 1819–20 (60 Geo. III., c. 6) for more effectually preventing seditious meetings and assemblies, proceeds on the same or similar lines as in previous Acts. A repetition of the provisions is not

necessary, except where the language and intent differ, as follows :—

(1) "No meeting of any description of persons exceeding fifty shall be held for the purpose or on pretext of deliberating on any public grievance, or on any matter of trade, manufacture, business, or profession ; or on any matter of Church and State ; or of considering or agreeing to any petition, complaint, declaration, resolution, or address on the subject thereof," except and unless notice thereof be delivered personally to a justice, signed by seven householders, &c.

(2) The justice may alter time and place of such meeting. No meeting so held to be adjourned to other time or to another place ; if so held, to be an unlawful assembly, liable to penalties. Provision as to persons who may attend any meeting not exceeding fifty persons. Any other person attending liable to fine and imprisonment, not exceeding twelve months, at discretion of the court. Justices, &c., may disperse or otherwise deal with such unauthorised meeting. Provision as to proclamation : persons not dispersing within quarter of an hour guilty of felony, may be transported for a term not exceeding seven years. Form of proclamation given, and mode of making it. Persons not dispersing may be arrested by any person present. Penalty as before.

(3) Provisions as to arrest, obstruction, use of arms, &c. : if any person be killed or hurt in refusing to depart, or resisting arrest, &c., all justices and others and those assisting to be indemnified. Those sections not to apply to meetings held in rooms, nor to meetings lawfully convened.

(4) Provision made that no person shall attend any meeting whatever armed with any weapon of an offensive character, on pain of fine and imprisonment, not exceeding two years' Proviso—this section not to apply to justices, sheriffs, officers, &c.

(5) No person to proceed to, be present at, or return from any meeting holden for any purpose or pretext specified, with flag, banner, ensign, device, badge, or emblem, or with music, or in military array or order, on pain of fine and imprisonment, as above.

(6) Provision as to sheriffs, magistrates, judges, peace officers, &c., in Scotland. Also as to boundaries of parishes and townships, and jurisdiction of justices and others, in certain cases.

(7) Provision as to prosecutions under other Acts, if need be ; but not if offender has been prosecuted under this Act.

(8) Provision as to recovery of fines, &c., in England, Scotland, and Ireland, by distress, sale, and in default imprisonment. One moiety of all fines to be paid to informer, the other to H.M. Form of conviction given.

(9) Provision as to actions brought against justices, &c., in England, Scotland, and Ireland ; to be within six months. Every protection to be given to such justices and others as to pleas, time, venue, &c., and as to costs, in the event of the decision being favourable to the

justices by the prisoner or other as the case may be. No person to be prosecuted for any offence under the Act, except within six months of the matter for which prosecuted.

(10) Gives date of commencement of the Act and its duration. –

6. *The Two Series of Acts Compared.*—The series of enactments in Chapter II., under the head of Combination Laws, were specific as regards labour, all associations of workmen for the purposes of mutual help being prohibited. The series of enactments in Chapter III. were general in character and application, being aimed mostly at all political organisation, meetings, assemblies, readings, &c. But one section (see par. 32) is specific as to "trade, manufacture, business, or profession," as though even the Combination Laws were insufficient to suppress "deliberating on any public grievance, or any other matter." By those two groups of enactments every constitutional right was abrogated as regards public meeting, the discussion of grievances, mutual association, and mutual aid. The "common informer" was practically a paid tool of the Government, for he shared the fines imposed, this being an incentive to his activity. The justices—"the Great Unpaid"—belonged to the employing class, and, for the most part, they readily lent themselves to the purposes of suppression, as intended by the court and the Government, armed with such Acts. Offenders against these laws were mostly of the poorer class, the sufferers who, driven to desperation, risked liberty and life, the alternative being privation, if not actual starvation. If secret societies were instituted they were but the creations of repressive laws. If outrage and riot occurred they were but the natural outcome of stolen liberties and resistance to wrong. All those enactments continued in force during the first quarter of the nineteenth century, many to within the memory of men now living. I have retained the peculiar language of the enactments in preference to any of my own; it is too expressive to be altered to modern legal phraseology.

CHAPTER V

ENACTMENTS, SPECIAL AND GENERAL, ADVERSE TO LABOUR.—III.

THE series of enactments in the two previous groups (Chaps. III. and IV.) pertain mainly to labour in the concrete form—that is, in association, or combination, as expressed in law. The series now to be considered pertained more especially to the individual—that is, to the workman or labourer. Liberty to combine was prohibited, and all infractions of the law were subject to severe penalties. In addition to which personal liberty was regulated and controlled by law, as regards wages, hours of labour, and conditions of employment, by a variety of enactments dating from the Statute of Labourers (23 Edw. III, 1349), covering a period of over five centuries. Apprentices, labourers, artificers, handicraftsmen of all kinds then known to the law were subject to statutory regulation, the administrators of which were justices, all of whom were more or less personally interested in keeping a tight hand upon workers of every class, lest they might misuse their freedom, should any be conceded to them. The regulations in some industries were so minute that the wonder is that the latter survived. Not only were workmen denied the right of associating together to obtain better wages, but they were forbidden to accept higher wages if offered; and employers were prohibited from giving an increase, under pains and penalties. Justices were empowered to fix rates of wages; if they neglected so to do the workmen were not allowed

to fix rates for themselves different from the rates then current in the industry.

III. *Master and Servant Acts.*—1. The number of enactments in this series, as enumerated in the first two schedules of the Amending Act of 1867, was twenty-one, the date of the first being 1720–1 and of the last 1865. In Burn's "Justice of the Peace," 26th edition, 1831, the enactments quoted are much more numerous, the whole being arranged under thirty-two heads. It would be far too tedious, and would serve no useful purpose, to quote the titles of all the Acts, or to mention separately all the various trades and occupations to which they applied. Suffice it to say that tailors, shoemakers, leather workers, textile operatives, ironworkers, and operatives in numerous other industries are specifically named in the Acts, the net result being that they covered all workers, artificers, labourers, servants, and all other workpeople in all the industries of the time. The earlier enactments were specific to particular trades; in course of time they became general, as in 4 Geo. IV., c. 34, in 1823, in which the provisions apply to apprentices, artificers, servants, and others, all being included in a sweeping generalisation. It is essential to remember that the enactments herein referred to were in addition to, not in substitution for, all the other groups of Acts previously and otherwise dealt with. It should also be remembered that all the enactments were in force in 1831, and many subsequently; that twenty-one of them were in force in 1867, when the application of existing provisions were to some extent modified; and that most of these were still in force up to the year 1875, when the labour laws were carried; then only were they finally swept away by repeal.

2. *Synopsis of Provisions:*—

(1) By the common law, irrespective of any Act of Parliament, breaches of contract or default of duty on the part of workman or servants towards their employers or masters, or *vice versâ*, are the subject of a civil action by which damages are awarded. This remedy still exists.

(2) But from an early period a remedy of another kind, so far as related to breaches of contract or duty by servants and workmen, was created by Act of Parliament. This was extended from time to time, until it affected all kinds of workers, artificers, labourers, servants, &c. Statutory law gave a summary remedy to employers and masters by which they could arrest and take the offending person before a justice of the peace; a remedy was also given to certain classes of servants and others for the recovery of wages, but no right of arrest for breach of contract.

(3) Servants and others might be summoned by their masters or employers for absenting themselves from service, or other misconduct in respect of service, or a warrant might be issued in the first instance on information on oath, at the discretion of the justice; or, in the case of not entering into service, in the terms of a written contract, the offender might be summoned or be arrested on warrant, at discretion.

(4) If the offence were proved, the justice might adopt any one of three courses: (1) The offender might be committed to the house of correction, for any term not exceeding three months, the wages, if any, being abated, that is, not accruing during the term of imprisonment; or (2) the whole or any part of the wages due might be abated; or (3) the justice might dissolve the contract, that is, put an end to the service.

(5) There were numerous provisions in several Acts relating to workmen in various trades and employments, as to wages, hours of labour, conditions of employment, and the like, all of which handed over to the justices the power of regulating the several trades mentioned.

(6) As regards apprentices, they could summon their masters for ill-treatment, or ill-usage, and upon such summons the apprentice could be discharged; or for wages due, not exceeding £10, payment of which might be enforced by distress. But masters could proceed by summons or warrant for absence from work or other misconduct, the punishment for which was abatement of wages or imprisonment.

(7) In any case—of servant, workman, or apprentice—the justice had power to issue warrant for arrest, instead of a summons, upon a statement of the facts on oath by the master or employer.

(8) Singularly enough, one of the later Acts, 4 Geo. IV., c. 34, passed in 1823, gave no option to the justices, this being the Act in general operation up to 1847. The master or employer was served with a summons at the instance of the complainant, whereas the workman or servant was arrested by warrant on the complaint of the master or employer on oath. This was only altered in 1847, by Jervis's Act, 11 & 12 Vict., c. 43, which gave justices power to issue, in the first instance, a summons in all cases. The practice thereafter became general, warrants being only resorted to in case of defendant absconding.

3. *Breach of Contract by Workmen Criminal.*—(9) A breach of contract by a servant or workman was a criminal offence; the procedure was by criminal process; the punishment was imprisonment; whereas a breach of contract by a master or employer was a civil offence, procedure by civil action, the justices having no power of imprisonment, unless in case of default of distress or non-payment of amount and costs. Some of the sapient legislators of the period of the four Georges, and some lawyers in more recent times, thought that after all there was no inequality as applied to workmen; and pleas were urged to the effect that servants and workmen had summary remedy for wages unpaid and withheld, and that masters and employers could be made to pay, because they had the means. But those pleas do not cover the indictment—the one class had the option of payment of damages, the other had not. The one class could be arrested on warrant, the other could not. Again, the judgment of the justice or court was by way of "order" in the case of a master, whereas it was a "conviction" in the case of a servant or workman. Moreover, in any complaint against a servant or workman for the neglect of work, &c., the master or employer could give evidence, whereas the servant or workman was not a competent witness on his own behalf. A defendant was a competent witness in proceedings for an "order," but not in proceedings for a "conviction."

(10) Power was given to one justice to deal with most cases of master and servant, &c., many of which could be, and were, dealt with by a justice of the peace in a private manner, in his own house, without any publicity. This could even be done, and was done, notwithstanding Jervis's Act, in 1847, after that Act was passed.

(11) Before the Act of 1867 (30 & 31 Vict., c. 141) justices had no power to deal with cases of complaint by masters against servants by the infliction of a fine. The three modes of dealing with all such cases were: direct imprisonment, or abatement of wages, or discharge from the contract of service. The latter mode was seldom adopted; it was not regarded as a punishment. In Ireland fines or damages, leviable by distress, were permissible.

(12) Cases of wilful damage were punishable summarily, by compensation if the value was under £5, and a fine, not exceeding 40s.,

or by imprisonment not exceeding one month. The procedure in any of these cases might be by summons or warrant, and the case might be heard by one or more justices in or out of petty sessions.

(13) In Scotland the jurisdiction was practically the same as in England, though the legal process was somewhat different. The proceedings might be by citation (summons) or warrant or apprehension, in the first instance. The latter was more generally exercised up to 1864, as Jervis's Act did not apply. Under the Summary Procedure Act, 1864, for Scotland (27 & 28 Vict., c. 53) the option was given of summons or warrant. But even after that the general rule was to issue a warrant for the arrest of the offender, with interim detention till the case was tried.

IV. *Miscellaneous Enactments in Force*:—4.

(1) Every person between the age of twelve and of sixty years, not being lawfully retained nor an apprentice, shall be compelled to serve in husbandry by the year by any person requiring such person. The exceptions are mentioned of certain persons retained in mining by the year or half-year, makers of glass, scholars, gentlemen, and owners of real property (5 Eliz., c. 4, §§ 7 & 28).

(2) Women and girls between the age of twelve and forty years compellable to serve, if unmarried and not otherwise retained, for the year, week, or day, at such wages as two justices, or other authority named, shall think meet; on refusal to be committed to ward (§ 24).

(3) The term of service, if not otherwise expressed, shall be construed to be for one year; so of clerks and servants in general.

(4) Refusal to obey orders to justify master in dismissal of servant before end of year, and to withhold wages then due.

(5) If a servant marry, she must serve out her time.

(6) Power by justices to fix rates of wages for artificers, labourers, and craftsmen abolished by 53 Geo. III., c. 40 (1812–13).

(7) Hours of labour fixed for all artificers and labourers from five o'clock in the morning till between seven and eight at night between March and September; meal times, &c., not to exceed two and a half hours, and from dawn till dark in the other months. Leaving work before completion—penalty imprisonment for one month, without bail or mainprise, and forfeit of £5 (5 Eliz., c. 4, §§ 12 & 13).

(8) Artificers compellable to work in haytime and harvest; on refusal to suffer imprisonment in the stocks for two days and one night; the constable to have power so to imprison the offender.

(9) One-half of all forfeitures and penalties relating to hiring and of service to go to the Crown, the other half to the person suing, common informer or other. One justice may hear and determine case.

(10) None may depart from city, town, or parish, &c., after time

of service has expired without a testimonial under seal. Person departing without testimonial to be imprisoned until he can procure one; at the end of twenty-one days to be whipped as a vagabond. A master employing person without testimonial to be fined £5.

(11) Journeyman engaged in certain industries leaving work before completion to be imprisoned for one month, by order of one justice, on oath of one witness, who might be a common informer.

(12) Provision made (6 Geo., c. 25, § 4) for any justice of the peace to grant warrant, upon complaint by employer, for apprehension of workman not fulfilling contract, or guilty of other offence, and to convict such person, and imprison him for not more than three months, nor less than one month. The same was practically re-enacted by 4 Geo. IV., c. 34, but power to abate wages is given as an alternative.

(13) In the statutes cited, or referred to, and others many trades and occupations are enumerated, the term "labourer" was supposed to be limited to the industries named, and "other labourers" to mean only such as might be employed in those trades. Lord Ellenborough, C.J., decided that the statute did not confine its operation "to labourers enumerated in the several employments."

(14) The term "servant" in the statutes does not mean domestic servants—they are seldom included. The term generally is equivalent to "hired person."

V. *Conspiracy.*—5. (1) The definition of conspiracy is "when two or more combine together to execute some act for the purpose of injuring a third person or the public." By the common law "all confederacies whatsoever wrongfully to prejudice a third person or the public are highly criminal."

(2) By statute conspiracy is as follows: "Conspirators be they that do confeder or bind themselves by oath, covenant, or other alliance, that every of them shall aid and support other persons to obtain an advance of or fix the rate of wages, or lessen or alter the hours or duration of the time of working, or to decrease the quantity of work, or to regulate or control the mode of carrying on any manufacture, trade or business, or the management thereof," &c. (33 Edw. I., St. I.). "Annual congregations and confederacies of masons in their general chapters assembled" (3 Hen. VI., c. 1). Other enactments were "An Act for Servants' Wages," Ireland (33 Hen. VIII., St. I., c. 9); and various statutes from

the 2 and 3 Edw. VI., c. 15 to the 13 and 14 Car. II. c. 15, and thenceforward during the reigns of the Georges, and the institution of the Combination Laws.

(3) It has always been admitted that it is difficult to ascertain what conspiracy really is, for "to complete the offence no act need be done in consequence thereof." Mr. Talfourd, in commenting upon certain cases, once said that he considered it a hopeless task to lay down any fixed principles whereby this offence may be governed." And yet indictments for conspiracy were frequently resorted to in prosecution of workmen, not only down to 1825, but subsequently. It was used as a weapon of offence to increase the penalty, or to obtain a conviction if the provisions in statutes should fail.[1]

6. *General Effect of the Legislation Quoted.*—In the preceding summary of enactments adverse to labour references of a general character have, as a rule, been omitted, so as not to extend the synopsis more than was really necessary. In several of the enactments cited there were provisions obviously intended to make it appear that employers or "masters" were practically subject to the same law as workmen or servants. It was a show of fairness, nothing else. By the very nature of the offences named, and the mode of dealing with them, only workmen and servants could be prosecuted and punished; while arrest or apprehension of offender by warrant applied only to hired persons. The net of the fowler was skilfully spread. The beaters knew those intended to be trapped, and how to entrap them. The lawmakers were employers, the administrators of the laws were employers; the workers were but pawns in the game. It is not intended to accuse legislators and administrators of the law of wilful and intentional cruelty and injustice. The laws and administration thereof were incidents of the time. The criminal code was cruel. Liberty was hated and feared, because not understood.

[1] The authority for the preceding synopsis of statutes are of course the statutes at large, but the Digest of the Public General Statutes of Tyrwhitt and Tyndale, 1823–25, is invaluable.

Property, in all forms, was regarded as of more importance than life or liberty; but life and liberty were respected when the persons involved were of a certain social standing, and were property owners. The poor man was arrested and confined in gaol; the well-to-do were summoned should occasion arise, and could, in any case, give security. Besides the enactments herein referred to there were others which could be, and often were, used to restrain labour and trade, and so indirectly help to enslave the workers and perpetuate their legal disabilities.

CHAPTER VI

A CENTURY OF LABOUR LEGISLATION

Remedial Legislation.—I.

IT is no part of my scheme to write a history of the "martyrs, heroes, and bards" of the labour movement. Incidentally some of those who did yeoman service will be mentioned in the proper place; but a large number acted like heroes, did their work bravely, and died unknown, except perhaps to their own small circle, and by these were speedily forgotten. As associations of all kinds were prohibited and mutual help forbidden, there were only two courses open to the workmen, namely, to mutely suffer or dare to combine and bear the consequences. The majority endured, more or less in silence; but some chose the other alternative, and faced the penalties. As they could not combine legally, they associated in secret; hence the charge of "secret societies" levelled against trade unions in the earlier years of the nineteenth century. What else could they do? Some tried to take advantage of the Friendly Societies Act of 1793, and use it to cover purposes prohibited by the Combination Laws. In some other instances, notably in the woollen trades and in shipbuilding, some form of combination existed by usage, and was only interfered with occasionally. Some guilds, also, still existed, and were not suppressed, though, especially when the operative members asserted their rights, the masters, as a rule, used the guild ordinances for their own

special benefit. As a matter of fact the guilds that were left were mostly masters' corporations, whose only object was exclusiveness in trade and the control of all matters thereto appertaining.

I. *Repeal of the Combination Laws.*—Those who imagine that the repeal of the Combination Laws was due to any deep sympathy with the cause of labour are wofully ignorant of industrial history, and of the influences which led up to the inquiry which resulted in that repeal. The motives of the pioneers in the movement varied as their interests varied. The parties were often absolutely divergent, frequently strongly opposed. They worked sometimes on parallel lines, without the slightest notion of converging; and yet there was a point where the lines tended to converge, and an onlooker would have perceived that perpetual divergence, or even continuous motion in a parallel direction, would become impossible. Employers and employed alike ultimately contributed to the final result—a point of contact which could not be avoided.

1. *Statute of Apprentices.*—The contest began over the provisions in the statute of Queen Elizabeth (5 Eliz., c. 4). The regulations as to apprentices in that once famous statute were found to be irksome to employers in the textile trades, and they sought to have its provisions repealed. The operatives opposed the repeal. Attempts were made in Parliament to repeal the—to employers—obnoxious Act. Employers petitioned in favour of repeal, the signatures to which petitions numbered 2,000 only; whereas the signatures to petitions in favour of the then existing Act numbered 300,000. Under these circumstances a Parliamentary Committee was appointed in 1813 to inquire into the whole question. The evidence against repeal was so preponderating that even the chairman of the Committee was brought round to the views of the operatives, though he had been previously against them.

2. Notwithstanding the strong opposition of the workmen, and in spite of the overwhelming evidence against

repeal, the master manufacturers succeeded in the following year, 1814, and the Act (5 Eliz., c. 4) was repealed in so far as a limitation of apprentices was concerned by 54 Geo. III., c. 96. The contest was a curious one. The Act had practically ruled the industrial system for about one hundred years. It embodied many of the regulations established by the old guilds, especially the craft guilds. It had been already abrogated as regards woollen manufactures, now it was abrogated for all trades. The statute was not a good one from an economical and industrial point of view; but it contained provisions more favourable to labour than any passed previously, or even subsequently, down to the year 1824. The workers of all grades supported the law, and desired its enforcement. Employers regarded it as a clog on the wheels of industry and sought to set it aside, and did practically set it aside, even before repeal. The disclosures before the Paliamentary Committee showed plainly how child labour was displacing adult labour, and that, too, in a form which gave no redress. Guardians of the poor!—Heaven save the mark—turned over to manufacturers pauper children by hundreds, these being at the tender mercies of overlookers with no bowels of compassion. Adults had to teach children how to do the work, and thereby displaced their own labour; and there was no remedy. No wonder that the men clung to the Act of Elizabeth—it was the straw to the drowning man.

3. *Mechanical Inventions and Labour.*—The development of the manufacturing system intensified the hardships and privation of the workers to such an extent that their whole character seems to have deteriorated. They regarded with little aversion acts which were not only vicious, but actually criminal, not merely in the legal sense of being contrary to the Combination Laws and other enactments, but in the deeper sense—crimes against humanity. In their despair they committed deeds of violence, destruction of property, and injury to persons, sometimes even unto death. The most serious outrages appear to have taken place in Glasgow, Paisley, and the

surrounding districts in the years 1819, 1820, to 1823. Inquiries into the origin of those outbreaks were instituted, but the witnesses of the operatives denied that they were instigated by trade unions, or that they had anything to do with them. The character of the outrages, however, their frequency, and the way in which the perpetrators were often shielded indicate combined action, and also the reasons for such. They were systematic, and evidently upon a concerted plan. They had one object, and that object was not plunder. The use of machinery was hindered, and machines were destroyed; sometimes men were injured. The reasons were not far to seek. The common informer was abroad, and workmen knew that he would sell his fellows for pieces of silver. Privation, discontent, and distrust were the mainsprings of disorder, and there was no outlet for the men to air their grievances by meetings or open association

4. *Opposing Factions as to Enactments.*—The opposing contention of the two parties concerned must have perplexed the Government and members of the House of Commons. They found the operatives clamouring for the enforcement of one series of enactments and for the repeal of another. Employers clamoured for the repeal of one series of enactments and for the continuance of another. They were but sections of the whole people after all. The nation was greater than all the sections combined. Some dimly perceived that perhaps a certain modicum of liberty might be better than multiplied measures of suppression, which had obviously failed to accomplish all that was intended. It was self-evident that combinations existed, the inquiries instituted fully proved that fact. Other facts were proven, not very creditable to employers. Some of them used the Combination Laws to prevent actions at law for wages due, as well as to avert any advance in wages. This may have been rare, but the fact was proven, and it was ominous of mischief. It shows what evil lurked beneath such enactments as the Combination Laws when used by unscrupulous men. One instance of an opposite character

may be quoted. The master printers in 1816 stated to their workmen that they had decided not to avail themselves of the Combination Laws to suppress their union, though a dispute then existed. It must have come to the knowledge of many members of Parliament that the various enactments referred to operated adversely to labour and advantageously to employers; indeed many of the latter condemned the laws in no measured terms.

5. *Operation of Repressive Laws.*—A few instances may be cited. Three linen weavers of Knaresborough were sent to Wakefield Gaol for three months in 1805, one of whom simply carried a letter to York requesting monetary assistance from other workmen. In 1816 three carpenters were sentenced to one month's imprisonment each, and two others to twelve months each, under the Combination Laws, but in the latter case some violence had been used. The curious thing in this case was that the men in this trade prosecuted the employers for combination, but they failed to obtain a conviction, although the case was fully proven. The counsel employed was so disgusted that he returned his fees as a protest against the decision. In one instance a shoemaker summoned his employer for wages; he replied by a summons under the Combination Laws, and succeeded. In another instance a dispute arose as to wages; the master called all his men together to discuss, as they thought, the matter. On pretence of sending out for beer, he sent for constables to take them into custody. They were all convicted and sentenced to one month's imprisonment, and a fine of 21s. each. One of the worst cases occurred in Lancashire in 1818. An employer resolved to reduce wages of weavers 1d. per yard. The other employers declared that there was no necessity for the reduction. The weavers not only prevented the reduction, but by combination obtained an advance. Subsequently a further advance was demanded, and some employers offered to grant the advance by instalments. At a meeting of delegates of the men the compromise was agreed to.

The president of the meeting, Robert Ellison, attended it at the request of his own employer, the author of the compromise, and an advocate of the resolution agreed to by the employers. A fortnight after the adoption of the compromise, when all the operatives had resumed work, Ellison, the president, and the two secretaries, R. Kaye and R. Pilkington, were arrested by warrant, issued by Manchester justices, and were only released on bail, the amount being fixed at £400. Mr. White, Ellison's employer, procured bail. On surrendering they were tried for conspiracy, were convicted, and Ellison was sentenced to twelve months' imprisonment, in spite of Mr. White's evidence in his favour and his own avowal of being the author of the resolutions agreed to. The other two prisoners were sentenced to two years' imprisonment each, which they all suffered.

6. *Inquiry into Effect of Combination Laws.*—The foregoing are but samples of prosecutions and punishments. Public attention was drawn to the inequalities of the law and the severity of the penalties. Some members of Parliament, with Joseph Hume at their head, pressed for an inquiry, and in the year 1824 a Select Committee was appointed to inquire and report upon the laws relating to artisans and other workmen. Outside helpers were not wanting. One of the first to render assistance was Francis Place, a master tailor, a man whose name figured afterwards in other good work on behalf of labour, political enfranchisement, freedom of the Press, and other measures. The Committee sat, took evidence, and speedily reported. It is not necessary to go into the evidence; suffice it to say that both sides did their best to prove their case; the employers failed, the workmen succeeded, as the following shows:—

7. *Report of Select Committee*, 1824:—

"(1) It appears from the evidence before the Committee that combinations of workmen have taken place in England, Scotland, and Ireland, often to a great extent, to raise and keep up their wages, to regulate their hours of working, and to impose restrictions on their

masters respecting apprentices or others whom they might think proper to employ; and that, at the time the evidence was taken, combinations were in existence, attended with strikes and suspension of work; and the laws have not hitherto been effectual to prevent such combinations.

"(2) That serious breaches of the peace and acts of violence, with strikes of the workmen, often for very long periods, have taken place in consequence of and arising out of combinations of workmen, and have been attended with loss to both masters and workmen, and with considerable inconvenience and injury to the community.

"(3) That the masters have often combined to lower the rates of their workman's wages, as well to resist a demand for an increase and to regulate their hours of working, and sometimes to discharge their workmen who would not consent to the conditions offered to them, which have been followed by suspension of work, riotous proceedings, and acts of violence.

"(4) That prosecutions have frequently been carried on under the Statute and Common Law against the workmen, and many of them have suffered different periods of imprisonment for combining and conspiring to raise their wages, or to resist their reduction, and to regulate their hours of working.

"(5) That several instances have been stated to the Committee of prosecutions against masters for combining to lower wages and to regulate the hours of working; but no instance has been adduced of any master having been punished for that offence.

"(6) That the laws have not only not been efficient to prevent combinations of masters or workmen, but on the contrary have, in the opinion of many of both parties, had a tendency to produce mutual irritation and distrust, and to give a violent character to the combinations, and to render them highly dangerous to the peace of the community.

"(7) That it is the opinion of this Committee that masters and workmen should be freed from such restrictions as regards the rate of wages and hours of working, and left at perfect liberty to make such agreements as they may mutually think proper.

"(8) That therefore the statute laws that interfere in this particular should be repealed, and also that the Common Law, under which a peaceable meeting of masters or workmen may be prosecuted as a conspiracy, should be altered.

"(9) That the Committee regret to find from the evidence that societies legally enrolled as benefit societies have been frequently made the cloak under which funds have been raised for the support of combinations and strikes attended with acts of violence and intimidation; and, without recommending any specific course, they wish to call the attention of the House to the frequent perversion of these institutions from their avowed and legitimate objects.

"(10) That the practice of settling disputes by arbitration between masters and workmen has been attended with good effects, and it is

desirable that the laws which direct and regulate arbitration should be consolidated, amended, and made applicable to all trades.

"(11) That it is absolutely necessary, when repealing the Combination Laws, to enact such a law as may efficiently and by summary process punish either workmen or masters who by threat, intimidation, or acts of violence, should interfere with the perfect freedom which ought to be allowed to each party of employing his labour or capital in the manner he may deem most advantageous."

8. *Character of the Report.*—The foregoing report of the Select Committee in 1824 puts the whole case clearly, temperately, fairly. It is indeed surprising, under all the circumstances, that a Committee of the House of Commons should, at that date, have agreed to all the recommendations there made, and have condemned enactments regarded by Government and employers as essential to the wellbeing of the community. The chief reasons for repeal are indicated—the failure of the Acts to accomplish their design; the growth of secret organisations, and the use made of friendly societies to promote objects not intended by those Acts. The condemnation of the Combination Laws by the report is unmistakable. The recommendations in paragraphs 7 and 8 are statesmanlike—freedom from legal restrictions, and "perfect liberty" for both parties "to make such agreements" as to wages and hours of working "as they may mutually think proper." Such was the first step towards healthier legislation in matters pertaining to capital and labour.

CHAPTER VII

A CENTURY OF LABOUR LEGISLATION (*continued*)

Remedial Legislation.—II.

THE immediate outcome of the inquiry was a measure to repeal the Combination Laws, and to substitute other enactments in their stead. This Bill was passed into law in the same session (1824) as 5 Geo. IV., c. 95.

1. *Repeal of Combination Laws.*—(1) The preamble to that Act was :—

"Whereas it is expedient that the laws relative to combinations of workmen, and to the fixing of the wages of labour, should be repealed, and certain combinations of workmen should be exempted from punishment, and that the attempt to deter workmen from work should be punished in a summary manner," therefore, &c.

(2) Section I. repealed all the specific enactments against combinations of workmen, and some others bearing thereupon. The total number of enactments enumerated for repeal was thirty-four, covering a period of about 513 years. The first was 33 Edw. I., St. I as given in the "Statutes at Large." This was only repealed in part, as regards conspiracy by workmen. The general terms of the enactment included have been already given, and need not be repeated. The same remarks apply to the other enactments repealed.

(3) Section II. enacted : "That journeymen, workmen, or other persons who shall enter into any combination to obtain an advance, or to fix the rate of wages, or to lessen or alter the hours or duration of the time of working, or to decrease the quantity of work, or to induce another to depart from his service before the end of the time or term for which he was hired, or to quit or return his work before the same be finished, or, not being hired, to refuse to enter into work or employment, or to regulate the mode of carrying on any manufacture, trade, or business, or the management thereof, shall not therefore be subject

or liable to any indictment or prosecution for conspiracy, or to any other criminal information or punishment whatever under the Common or the Statute Law."

(4) Sections III. and IV.—By the former, masters offending in like manner are exempted from punishment; by the latter all penal proceedings under the repealed Acts are declared void.

(5) Section V. enacted: "That if any person by violence to the person or property, by threats or intimidation, shall wilfully or maliciously force another to depart from his hiring or work before the end of the time or term for which he is hired, or return his work before the same shall be finished, or damnify, spoil or destroy any machinery, tools, goods, wares or work, or prevent any person not being hired from accepting any work or employment; or if any person shall wilfully or maliciously use or employ violence to the person or property, threats or intimidation towards another on account of his not complying with or conforming to any rules, orders, resolutions or regulations made to obtain an advance of wages, or to lessen or alter the hours of working, or to decrease the quantity of work, or to regulate the mode of carrying on any manufacture, trade or business, or the management thereof; or if any person by violence to the person or property, by threats or intimidation, shall wilfully or maliciously force any master or mistress manufacturer, his or her foreman or agent, to make any alteration in their mode of regulating, managing, conducting or carrying on their manufacture, trade or business, every person so offending, or causing, procuring, aiding, abetting or assisting in such offence, being convicted thereof in manner hereinafter mentioned, shall be imprisoned only, or imprisoned and kept to hard labour for any time not exceeding two calendar months."

(6) Section VI. enacts that persons combining to effect such purposes as before mentioned shall be similarly punished on conviction of such offence. The words of Section V. are repeated verbatim. There is, however, a significant proviso, thus: "Nothing herein contained shall alter or affect any law now in force for the prosecution and punishment of the said several offences; only that a conviction under this Act for any such offence shall exempt the offender from prosecution under any other law or statute."

(7) The other sections need not be particularised, except to say that *one* or more justices had jurisdiction. Provision is made for issue of summons, or warrant, witnesses, &c. Offenders were compelled to give evidence for the Crown, and there was no appeal. Conspiracy at common law was abolished or modified, as recommended by the Select Committee, Sections II. and III.

2. *Proposed Repeal of Act of* 1824.—The passing of the Act referred to (5 Geo. IV., c. 95) so alarmed employers that a demand was made for its immediate repeal. It is difficult at this distance of time to understand the

cause of such alarm. The Act conceded something, much in Section II.; but in Sections V. and VI. the provisions were such that any act done by an individual or in combination was capable of being construed into an offence, severe punishment being inflicted therefor. Workmen were empowered to combine by Section II., but in Sections V. and VI. almost all the means whereby the objects sought could be attained were declared to be illegal. The language of the Act is so verbose that the governing words—"by violence, threats, or intimidation"—are lost sight of, while the terms "wilfully or maliciously" have obtained such a technical interpretation in law as to practically cover any and every act done by the person prosecuted or, in civil actions, sued.

3. *Inquiry into Operation of Act of* 1824.—The Act is dated June 21, 1824. In April, 1825, a Select Committee was appointed, on the motion of Mr. Huskisson, to inquire into the effects of the Act, and to report thereon to the House. The first sitting took place on April 18th, and on June 8th the Committee reported. The Committee sat to take evidence twenty-five days, and examined sixty-nine witnesses. The nature of the evidence is not now material, after an interval of over seventy-five years. Much of it was extraneous, a good deal of it "hearsay," such as would not be accepted in a court of law. Nearly all the evidence as to violence referred to the years 1817 to 1820, and not to any of more recent date. Most of the violence spoken of took place in Dublin, very little elsewhere. Many of the employers declared that no violence occurred in connection with their works or business, others that none had occurred recently under the new Act. Evidence as to secrecy was adduced, a portion of which the men rebutted, but they admitted that their operations had been secret because of the law. Employers had to admit that they acted in combination, which was technically as illegal as for workmen. There was no evidence in support of the demand for the repeal of the Act of 1824 by reason of dangerous methods being employed. One witness indeed said: "They [the colliers] were a little more dictatorial than they were before." One monstrous admission was

made by a shipowner of North Shields, namely, that the shipowners demanded from the Secretary of State intervention by the Government to put down the riotous proceedings of the seamen because property was in imminent danger. Asked as to this whether he, the witness, knew of any personal or other violence, he said, "No, not the smallest." Yet he had signed the "remonstrance"!

4. *Effect of Act of* 1824.—The one important fact elicited by the Committee was, not that combinations had very greatly increased in number during the ten months succeeding the passing of the Act of 1824, but that the proceedings were more open and public, and consequently more apparent. The men conceived that they had the right to combine openly under the Act, and they acted accordingly. The force and influence of unions, acknowledged to be of older date, had increased. Demands for increased wages were made, which employers resented. But many of the latter were frank in their admissions that their own combinations were for the purpose of keeping down wages; they took the ground that they alone should be able to fix the rates.

5. *The New Act of* 1825.—Fortunately the panic which had seized employers, and also, to some extent, the legislature, at what appeared to be the consequences of the Act of 1824, subsided. The inquiry had not disclosed any very serious evil results. The publication of the evidence allayed the feeling of uneasiness and even of terror which had taken possession of the public—meaning that section called "Society." Strikes had become more frequent, but there was less violence. It was felt that to re-enact the old Combination Laws would be dangerous. The Government could not go back on its own policy. The repeal of the old Acts must be maintained, even if the provisions of 5 Geo. IV., c. 95, had to be strengthened in some particulars. Fortunately this was the policy decided upon, but seriously to the disadvantage of the workmen.

6. *Intention of New Act.*—The Right Honourable Thomas Wallace was chairman of the Committee in

1825, and he it was who introduced the new Bill. In doing so he is reported to have said : "He was no friend to the Combination Laws, but he wished that the Common Law, as it stood before, should be again brought into force; this he believed would be quite sufficient for the purpose. The principle of the Bill now before the House was to make all associations illegal, excepting those for the purpose of settling such amount of wages as would be a fair remuneration for the workmen. He knew it had been objected that this was not enough; but he thought it was safer to point out the description of association that was legal than to specify all which were illegal; in doing which there was great danger either of putting in too much or of leaving out something which might be necessary. The Bill of last year was on the same principle as this; but it went a little further; and this, he apprehended, was the cause of the inconvenience now universally felt."

7. *Object and Provisions of New Act.*—The substituted Act of 1825, the 6 Geo. IV., c. 129, governed the relationship between employers and employed for the next fifty years in so far as collective action was concerned, when the legality of such action was contested in courts of law. It is therefore important that its chief provisions should be understood; also its object, as set forth in the preamble, which is thus expressed :—

(1) "Whereas an Act was passed in the last session . . . intituled, &c., by which various statutes, and parts of statutes, relating to combinations among workmen for fixing the wages of labour, &c., &c., were repealed, and other provisions were made for protecting the free employment of capital and labour, and for punishing combinations interfering with such freedom, by means of violence, threats, or intimidation; and whereas the provisions of the said Act have not been found effectual; and whereas such combinations are injurious to trade and commerce, dangerous to the tranquillity of the country, and especially prejudicial to the interests of all who are concerned in them; and whereas it is expedient to make further provision as well for the security and personal freedom of individual workmen in the disposal of their skill and labour as for the security of the property and persons of masters and employers; and for that purpose to repeal the said Act, and to enact other provisions and regulations in lieu thereof; be it therefore enacted," &c., &c.

It need scarcely be said that there is nothing in the evidence to justify the above preamble; but it is possible that political exigencies required it at the time.

(2) Section I. repealed the Act of the previous year (5 Geo. IV., c. 95). Section II. repealed the catalogue of Acts repealed by that statute, and re-enacted that section in the former Act, thus confirming the repeal of all statutes against combinations of workmen as therein enumerated.

(3) Section III. "If any person shall by violence to the person or property, or by threats or intimidation, or by molesting, or in any way obstructing another, force or endeavour to force any journeyman, manufacturer, workman, or other person hired or employed in any manufacture, trade, or business, to depart from his hiring, employment or work, or to return his work before the same shall be finished, or prevent or endeavour to prevent any journeyman, manufacturer, workman or other person not being hired or employed from hiring himself to, or from accepting work or employment from any person or persons; or if any person shall use or employ violence to the person or property of another, or threats or intimidation, or shall molest or in any way obstruct another for the purpose of forcing or inducing such person to belong to any club or association, or to contribute to any common fund, or to pay any fine or penalty, or on account of his not belonging to any particular club or association, or not having contributed, or having refused to contribute to any common fund, or to pay any fine or penalty, or on account of his not having complied with, or of his refusal to comply with any rules, orders, resolutions or regulations made to obtain an advance or to reduce the rate of wages, or to lessen or alter the hours of working, or to decrease or alter the quantity of work, or to regulate the mode of carrying on any manufacture, trade or business, or the management thereof; or if any person shall by violence to the person or property of another, or by threats or intimidation, or by molesting or in any way obstructing another force or endeavour to force any manufacturer or person carrying on any trade or business to make any alteration in his mode of regulating, managing, conducting or carrying on such manufacture, trade or business, or to limit the number of apprentices, or the number or description of his journeymen, workmen, or servants; every person so offending, or aiding, or abetting, or assisting therein, being convicted thereof in manner hereinafter mentioned, shall be imprisoned only, or shall and may be imprisoned and kept to hard labour for any term not exceeding three calendar months."

(4) Section IV. makes proviso for meetings for settling rates of wages to be received, or hours of work to be employed, by persons meeting; and for agreements, verbal or written, among themselves, that such persons shall not be subject to the penalties of the Act. Section V. makes similar provision as to masters and employers. The

words of those sections limit the exemption from penalties of persons present at such meeting." But the subsequent words, "or entering into any such agreement as aforesaid," imply that, though not present, persons might act collectively, if they so agreed, whether actually present at the meeting or not. No member of a union, however, would be bound by such agreement if he contested it in law.

(5) The other sections of the Act are similar to those in the previous Act of 1824. Offenders could be called upon and compelled to give evidence, and might be indemnified. One or more justices could issue summons, but two were required to issue warrant, in case of non-appearance. Provision was made as to procedure, the summoning and examination of witnesses, form of conviction, appeal, &c. The last section enacts that no master in the particular trade, &c., in which offence is charged shall act as justice in the case.

8. *The Common Law and Combination.*—In the previous Act, 5 Geo. IV., c. 95, in Sections II. and III., these words occur, that workmen acting in combination "shall not, therefore, be subject or liable to any indictment or prosecution for conspiracy, or to any other criminal information or punishment whatever, under the Common or Statute Law." Those words were omitted in the new Act. But the following were substituted in Sections IV. and V.: "Persons meeting or entering into any such agreement as aforesaid shall not be liable to any prosecution or penalty for so doing, any law or statute to the contrary notwithstanding." This apparently did not include the Common Law.

9. *Operation of Act for Fifty Years.*—The chief provisions of the Act are given *in extenso*, because they were in force as the principal enactments for nearly fifty years, until repealed by the Act of 1871. There was, however, only a modification of the provisions in 1871 by the Trade Union Act and the Criminal Law Amendment Act, but not to any great extent. The real repeal was by the Labour Laws in 1875. The cumbrous form of the sections, and the clumsy language in which they were expressed, led to no end of complications, the worst interpretation being usually given against offending workmen, the Common Law as to conspiracy being often used in cases of prosecution.

CHAPTER VIII

DEVELOPMENT OF UNIONISM: EFFORTS TO ARREST IT.

THE repeal of the Combination Laws gave an immense impetus to the labour movement, notwithstanding the stringent provisions in enactments quoted with regard to the means which could be employed in furtherance of the workmen's desired objects. Within the next few years trade unions sprang into existence with amazing rapidity, and even "Consolidated Unions" were established, in spite of the fact that the Corresponding Societies Act was still in force. Some employers became alarmed at the growth and progress of the unions. But they might have spared themselves some of the anxiety manifested. As a matter of fact employers overestimated the growth of unionism. The activity of the unions surprised them. They forgot, or did not know, that the evidence given before the Select Committees in 1824 and 1825 proved up to the hilt that unions did exist under, and in spite of, the Combination Laws. Then they were secret organisations, conducted by signs, with an elaborate system of collecting and distributing the funds required for their purposes. Under the Act of 1825 they could meet openly, hence the activity of the unions. The zeal of the members could be seen as well as felt. Previously pressure was felt, but the motive power was hidden. The active forces were in ambush; terrorism was resorted to; outrage was not infrequent. Those methods did not disappear all at once; how could they? But a healthier system was developing. Secret

societies are not favoured by British workmen; never were, except as a last resort.

1. *Right of Public Assembly Asserted.*—The agitation for reform between 1825 and 1832, when the Reform Bill was carried, led to a succession of public meetings such as had not been witnessed for more than a quarter of a century. Politicians required an open platform, and they also required the aid of the workers to enable them to secure the abolition of pocket-boroughs, and some measure of enfranchisement. Workmen sighed for political power mainly as a means to an end, that being better wages, fewer working hours, and improved conditions of labour generally. The right of public meeting secured for one purpose made it available for another. Politicians and labour leaders did not always agree in their objects, but, for a season, they fought side by side for the right to discuss grievances and to propound remedies. In this way the right to assemble was asserted. The Reform Bill was carried, and a gagging Bill was scarcely possible by those carried into power by the help of the then voteless masses of the people.

2. *Uses of Public Meetings.*—During the reform agitation less was heard of labour movements, but organisation was carried on, and unions were formed in trades where none previously existed, or, if they did exist, were unknown to the public. A trade union cannot be constituted in a day. It was more difficult then than now, because men were still timid. They did not know how far they could trust the new enactments. They were suspicious of law, of Government, and of each other. Tact was required of the leaders, confidence on the part of the men. They were unused to liberty, and were doubtful as to its extent. Besides, the "common informer" was still a power in the hands of the Government and of others.

3. *Consolidation of Unions.*—In the year 1833 it had become manifest that the work of organisation had been going on apace. The unions were nearly all local and sectional, but it was evident that efforts had been made

to broaden their lines. There were understandings, if not actual amalgamations, or "consolidations," as they were then called—federation is the term now employed when different unions unite—"for protective, not aggressive," purposes. In those earlier days the institution of a union was nearly always followed by a strike; indeed, in many cases the strike came first, then organisation. This is not to be wondered at when we remember that wages were low, the working hours long, and provisions were high in price. Grinding necessity impelled the men on, even when obviously unprepared. Counting the cost before entering into a contest meant delay. Prudence comes with experience, and of this there was little at that period to guide men.

4. *Trade Union Newspaper Published.*—In 1833 there were several strikes of a more extended character than in previous years, and it would appear that the then Home Secretary had been approached with the view of re-enacting the Combination Laws. Strikes at Manchester, Paisley, Birmingham, Leeds, Derby, in the Potteries, and elsewhere, had led to prosecutions, but the unions had stood by each other, assistance being rendered liberally to those on strike. The General Trades' Union was established, and on September 7, 1833, the first number of the *Pioneer, or Trades Union Magazine* was issued as the organ of the movement, edited by James Morrison, of Birmingham.[1] A few months later the organisation was called "The Grand Consolidated National Trades Union."

5. *Lord Melbourne and Trade Unions.*—The *Pioneer* reported very fully the chief labour movements in 1833 and 1834 in all the principal industries in which trade unions had been established—in the building, textile, clothing, leather, boot and shoe, printers, iron and steel, and numerous other trades. In No. 2, September 14, is given copy of a letter by Viscount Melbourne, Home

[1] My bound copy of the *Pioneer* belonged to Francis Place, and has his book-plate. It was presented to me by Dr. Black.

Secretary, to Mr. George Young, of Leeds, the representative of the Leeds employers. The letter was in reply to a "memorial of the merchants, manufacturers, &c., of the West Riding of Yorkshire." His lordship's private secretary, G. Lamb, says: "As his lordship has often before expressed it in Parliament, he considers it unnecessary to repeat the strong opinion entertained by His Majesty's Ministers of the criminal character and effects of the unions described in the memorial upon the interests of the masters, the workmen themselves, and the country in general. Many of the acts mentioned are in themselves actual breaches of the law, and no doubt can be entertained that combinations for the purposes enumerated are illegal conspiracies, and liable to be prosecuted as such at Common Law." The rest of this remarkable, not to say culpable, letter deals with suggestions as to local procedure, in which he counsels "firmness and resolution" rather than "concessions and weakness." This by the Home Secretary of the Reform Ministry which had crept back to power by the help of the workmen! And be it remembered that the Combination Laws had been repealed. If the acts of the men were criminal "conspiracies, liable to be prosecuted as such at Common Law," why did not he, as Home Secretary, put the law in motion?

6. *Return to Repression Intended.*—It was manifest in 1833—the year after the Reform Act—that the "Reform Ministry" were disposed to take steps to cripple the unions, if not by the re-enactment of the Combination Laws, by some other means. The memorial of the merchants, manufacturers, and others of the West Riding of Yorkshire expressed the employers' sentiments. The letter of Lord Melbourne, Home Secretary, dated September 3, 1833, indicated the sentiments of the Government, and very strongly his own. But the unions seem to have given no sufficient pretext for interference. The blow was inevitable, however, and it fell upon six poor Dorchester labourers in the obscure parish of Tolpuddle, even at present far removed from the madding crowd,

quite away from railway communication, or was when I last visited the village a quarter of a century ago.

7. *Prosecution of Dorchester Labourers.*—The story of this prosecution and its results is one of the most disgraceful in the history of persecution. In 1831–1832 there was a general movement among the working classes for an advance in wages, in which even the downtrodden agricultural labourers took part. The labourers of Todpuddle solicited an advance, and met their employers to negotiate. The latter agreed to concede the same rates as were paid by other farmers in the district. With this promise the men returned to their work. There was no threat, no word of an intimidating character used, and the men thought that all was mutually arranged. But the promise was not kept. The employers refused to give more than 9s. per week, though other farmers in the neighbourhood gave 10s., or its equivalent, to their men. In the following year, 1833, these employers of Todpuddle reduced their men's wages again to 8s. per week.

8. *Labourers' Wages and Justices of the Peace.*—The reduction in wages caused great dissatisfaction, and the whole of the labouring men in the village, except two or three invalids, applied to a resident magistrate, W. M. Pitt, Esq., for his advice. The men were evidently under the impression that the justices had still the power to fix wages. Mr. Pitt asked the men to appoint a deputation of two or three, and come to the County Hall on the following Saturday, and he would apprise the chief local justice, James Frampton, Esq., and request the employers to come also to settle the matter. The deputation waited upon the justices at the County Hall as suggested. The magistrate told the men that they must work for what wages the masters thought fit to give them, as there was no law to compel masters to give any fixed rate. The men remonstrated, and called upon the clergyman of the parish (Dr. Warren) as witness of the agreement previously entered into. This ornament of the Church had pledged himself to see the men righted, but he, like the farmers alluded to, repudiated his promise.

9. *Formation of a Union.*—The men continued working, but they were embittered by reason of broken promises and injustice. Their wages were further reduced to 7s. per week, and were told that a further reduction to 6s. per week would follow. Then it was that the men tried to form a trade union, some of them having heard of such organisations. In October, 1833, two delegates of a trade union visited the village, and a union was formed. Members of trade unions at that date, like members of the old guilds, of friendly societies, of Freemasons, Orangemen, and others, formulated an oath of fidelity, nothing treasonable in it—a simple declaration, on oath, to abide by the rules, not to divulge the business, and to be faithful to each other.

10. *Treachery: the Common Informer.*—On December 9, 1833, a "common informer," named Edward Legg, attended the lodge meeting, and asked to be admitted as a member. George Loveless, who wrote the whole story in 1837, states that he had no knowledge as to how or by whom Edward Legg was introduced. On February 21, 1834, a kind of proclamation, or placard, was issued by the magistrates and posted up in conspicuous places, cautioning men as to combinations, and threatening them with seven years' transportation if they joined the union. George Loveless obtained a copy and read it. He says, "This was the first time that I had heard of any law being in existence to forbid such societies." This notice, issued by the justices, was eight years after the Combination Laws had been repealed, was, in fact, an unlawful act; there was no law in force forbidding such societies.

11. *Arrest of Loveless and Others.*—On February 24th, as George Loveless was going to work in the early morning, the parish constable met him and said, "I have a warrant for you from the magistrates." Loveless asked its nature; the constable gave it him to read. The latter asked him if he was willing to appear before the magistrates. Loveless answered "Yes." His five companions had been similarly apprehended, and all of them, with the constable and another, tramped seven miles to Dorchester,

where James Frampton and one other justice received them, Legg, the informer, being present to give evidence. The prisoners were asked various questions, to which their reply was, "We are not aware of having broken any law." Legg swore to their having been present at the meeting on December 9th, and they were thereupon remanded—James Hammett with the rest, though not present, as sworn to by Legg. On entering the prison they were searched, stripped, their heads shorn (the prison crop), and kept in confinement till the following Saturday—five days.

12. *Means Employed to Ensure Conviction.*—On March 1st they were brought before the bench of magistrates, Legg again being the sole witness, when they were committed for trial. They were tried on March 15th at the County Hall, when another witness was produced by the name of Lock. Efforts were made by lawyers, justices, parsons, and others to induce some one or more of those six men to give evidence against the others. They all refused, though freedom was offered as a reward. The evidence was absolutely *nil*, except on one point. The witnesses swore that the men took an oath. This they did not deny. But the oath they took not only bound them together in a bond of fraternity, but also bound them not to violate the law. In any case the law as to unlawful oaths, in the Combination Laws and other enactments relating to labour, had been repealed. They were not re-enacted in the 6 Geo. IV., c. 129. But conviction was desired and intended. Every page in the lives of these men was ransacked in order to discover something to their disadvantage. The search failed. Even their employers had to admit that they were honest, sober, industrious men. They had indeed been guilty of one grave offence which told against them. They were Methodists, some of them local preachers—a shocking offence in those days in many villages, especially in Dorset and other "West Countries." Indeed, next to poaching, it was the gravest of all offences. Agricultural labourers who could desert the mother Church—well, they could be

guilty of anything. And these men were so hardened that they would not even apologise ; more, they defended their action. Conviction in such a case was essential for the safety of the country. It would be a disastrous thing for such men to be let loose on society. Yes, conviction was essential.

13. *Judge and Prisoners Compared.*—In order to ensure conviction the Act of 37 Geo. III., c. 123, was called into requisition. This was an Act passed in 1796–7 for the suppression of mutiny among marines and seamen, caused by the Mutiny of the Nore. Under the provisions of that Act the men were convicted. The Judge—Baron John Williams, then recently appointed—is reported to have said : " If such societies were allowed to exist, it would ruin masters, cause a stagnation in trade, destroy property, and if they (the jury) should not find the prisoners guilty, he was certain they would forfeit the good opinion of the grand jury." A verdict of guilty was returned. How, indeed, could it be otherwise ? " The grand jury were landowners ; the petty jury land renters." The prisoners, asked if they had anything to say, Loveless, on behalf of all, repudiated any unlawful intention. He said : " We have injured no man's reputation, character, person, or property ; we were uniting together to preserve ourselves, our wives and our children from utter degradation and starvation. We challenge any man, or number of men, to prove that we have acted, or intended to act, different from the above statement." This was the dignified reply. As the judge was about to pronounce sentence, one of the counsel rose and protested. He declared that not one of the charges brought against any of the prisoners at the bar had been proved, and that a great number of persons were dissatisfied, adding that he himself was one.

14. *The Judge and his Sentence.*—Two days later they were again placed at the bar to receive sentence. The learned judge told them " that not for anything that they had done, or intended to do, but as an example to others, he considered it his duty to pass the sentence of seven

years' transportation across his Majesty's high seas, upon each and every one" of the prisoners. Execration is the only suitable word to apply to judge and sentence.

15. *Treatment of the Prisoners.*—The prisoners were handcuffed and guarded back to prison. Loveless was taken ill in his dungeon and was carried to the hospital. His companions were hurried off to the hulks at Portsmouth. The doctor and one of the magistrates plied Loveless with questions in the hospital, the latter insulting him because of what he was pleased to call his "obstinacy." But Loveless retorted that the meeting for which they had been indicted was held on December 9, 1833; the justices' proclamation was not issued till February 21, 1834, nine weeks after the alleged offence; and within three days after the "caution" they were all in gaol. As his companions had been hurried away, Loveless pleaded to join them, and on April 5th he was conveyed to Portsmouth. When they reached Salisbury the clerk to the prison offered to remove the irons from the prisoner because it would attract the attention of the people. Loveless replied that he was not ashamed of his irons, being conscious of his innocence.

16. *A Captain's Humanity.*—On his arrival at Portsmouth he was rather appalled by the sight of the hulks, the clanking of chains, and the stripped men. Being ordered to the smith's shop to have his irons riveted on his legs he felt depressed; the first mate, however, told him that by the captain's order he was to be placed in No. 9 Ward, one of the best and quietest, in consequence of the good character which he (the captain) had received concerning him. George Loveless, then a poor prisoner, under sentence of transportation, speaks with some pride as well as thankfulness of the conduct of the captain. After all the slanders, the accusations, the atrocious declarations, here was a good character given of him, an answer to all his accusers; the captain of the hulks accepted it, believed it, and treated him kindly. This incident of a naval captain's conduct deserves mention.

CHAPTER IX

REVIVAL OF AGITATION, STRIKES, PROSECUTIONS, PROGRESS OF UNIONISM

THE scandalous prosecution of the six Dorchester labourers and the atrocious sentence passed upon them, evoked a storm of indignation throughout the land. Never before had there been such outspoken criticism of judge and jury, such condemnation of a judge's sentence, and of those in power. In the House of Commons, Joseph Hume, William Cobbett, Daniel O'Connell, Sir William Molesworth, J. A. Roebuck voiced the cause of the persecuted and unjustly sentenced men. Out of Parliament Robert Owen, Francis Place, Rev. Dr. Wade, Rev. J. S. Bull, friend of the factory operatives, supported the workers' demand for pardon. The Government was obdurate, and even Lord Brougham supported Lord Melbourne in his attitude of resistance to the appeals for "mercy." No wonder that the Whigs were hated and cursed as enemies to progress. There was a dead set against the *Times* newspaper, workmen refusing to go to public-houses and coffee-shops where it was taken in. The *Times* expressed delight with the sentence when passed, because of "the criminal and fearful spirit of combination which had seized, like a pestilence, on the working classes of this country." In less than a month after it wrote: "The dilemma in which the prosecution is in is this—the crime which called for punishment was not proved; the crime brought home to the prisoners did not justify the sentence." What severer condemna-

tion could be uttered—a condemnation alike of the prosecution of the Government and of the *Times* newspaper itself. Most wonderful *Times!* alas, how often has it supported a bad cause—and then relented!

1. *Sympathy and Support.*—The working classes, as represented by trade unions, had two duties to perform. One was to support the wives and families of the men transported; the other was to take steps for securing the men's release. *The Pioneer* was the chief mouthpiece of the unions at the time, and worked with a will. *The True Sun* also assisted. Money was obtained to pay the costs of the defence of the men, and money was supplied to their families. Subscriptions came not alone from working people, for some of the middle class showed practical sympathy by subscribing.

2. *Petitions for Release of the Convicts.*—Efforts for the release of the men were unsparing. Memorials and petitions were signed all over the country. At one sitting alone petitions with 50,000 signatures were laid on the table of the House. The memorial presented to Lord Melbourne was signed by 240,000 persons. The signatures represented something vastly more than outraged labour's protest.

3. *Indignation at the Sentence.*—More significant still, in one sense at least, was the outburst of indignation at monster public meetings, culminating in the immense gathering in Copenhagen Fields, attended by some 400,000 persons. The procession alone consisted of between 40,000 and 50,000 persons, following the car upon which was the memorial to Lord Melbourne. In that procession were Robert Owen, the Rev. Dr. Wade, and others then of note. The feeling entertained was expressed by J. A. Roebuck, M.P., thus, as reported: "He declared, by Heaven, that, as far as he knew anything of the law, the conviction was illegal." A Dorchester attorney declared that "the judicial proceedings at the trial were so disgustingly arbitrary that he could not prevail upon himself to remain in court." There were more severe expressions than these by workmen and others.

4. *Demonstration—Precautions of Government.*—The organisers of the Copenhagen Fields meeting on April 21st took every precaution to ensure order. They notified to Lord Melbourne that the meeting was to be held, and stated its object ; first by and through Robert Owen, and then by a formal deputation. The latter asked that some police should be told off to attend the procession ; this was refused. The Home Secretary stated that the police had general instructions to preserve the peace, "and," he added emphatically, "they shall preserve it." This significant threat was not needed ; it only showed the animus of the Minister. The precautionary measures were not merely "general," as Lord Melbourne suggested. A special notice was issued, under express sanction of the Government, by F. A. Roe, chief magistrate, Public Office, Bow Street, dated April 19th, in which the following words occur : "Whereas such a meeting and such proceedings are highly improper and objectionable, calculated to excite terror in the minds of the well-disposed and peaceful inhabitants of the metropolis, and may prove dangerous to the public peace, as well as to the individuals engaged in them, the magistrates of the police offices hereby warn all classes of his Majesty's subjects of the danger to which they expose themselves by attending such meeting or taking part in such proceedings." Letters were addressed to all Justices of the Peace in Middlesex and adjoining counties requiring their co-operation. Troops of all kinds were poured into the metropolis—infantry, cavalry, and artillery with cannon, in addition to the Life Guards, Horse Guards, Lancers, Queen's Bays, and other regiments stationed in London. But, happily, all this armed force was kept out of sight—"Not a soldier was to be seen," said a reporter of the *Pioneer*.

5. *Lord Melbourne and the Petition.*—Lord Melbourne had stated to Robert Owen that "he would be at the Home Office from 11 a.m. till 5 p.m., or any other hour convenient to the deputation, but that he would receive no deputation which was accompanied by a vast assemblage

of persons for the purpose of intimidation." The assemblage was not for intimidation, but for the purposes of demonstration, quite a different matter. However, his lordship was quite within his rights in either case. The car containing the petition was specially constructed for the purpose, and was borne on the shoulders of twelve men. The car was in front, followed by Dr. Wade, in full canonicals as Doctor of Divinity, and Robert Owen. Then came the procession, from six to seven miles long, of 40,000 to 50,000 men, attended by, it is estimated, between 50,000 and 60,000 persons not in the procession. The petition was carried to the Home Office, five persons, with Mr. Owen, being deputed to see the Home Secretary. His lordship's secretary stated that the Home Secretary refused to see a deputation accompanied by the procession, and objected to Mr. Owen personally as not being one of the deputation. The whole six then retired, and the deputation of five returned, but were informed that the petition could not be received under the circumstances, but would be received if presented on another day in a proper manner. The deputation then retired, taking the petition with them. The procession had meanwhile moved on down Parliament Street, over Westminster Bridge, and thence to Kennington Common. After a short rest the procession and spectators quietly dispersed, in good order. There was no disturbance from first to last; neither police nor military were called into requisition or needed.

6. *Petitions, Discussions, and Reprieve.*—The great petition was subsequently "presented in a becoming manner," and was presumably laid before his Majesty the King, as were numerous other petitions on the same subject. There was a short discussion on the subject in Parliament on the following Monday, April 28th. Lord Brougham, in the House of Lords, had to acknowledge that public meetings were legal enough, but he added, "It is not legal for men to assemble together in vast bodies disproportioned to the necessity of the occasion"—a curious remark from one who supported the immense

gatherings in favour of the Reform Bill a year or two previously. Lord Melbourne hoped that the public displays alluded to "would die a natural death." At a great "public meeting of the West Riding of Yorkshire," held on April 28th, on Wisby Moor, a memorial was adopted for the release of the Dorchester labourers, and two men were appointed to wait upon Lord Melbourne on May 6th. They went; they were received by some secretary or other official, after Lord Melbourne had himself appointed to meet them. They were then told that Lord Melbourne could not receive the memorial in its present form. But they reminded his lordship in a letter that he had had a copy of the memorial when he had made the appointment. In consequence of the agitation, the petitions, and the speeches of Sir William Molesworth and others in Parliament, Lord John Russell stated that "orders were forwarded that the Dorchester Unionists were not only to be set at liberty, but also to be sent back to England, free of expense and with every necessary comfort." So far all appeared to be well. The unions had succeeded, and it only remained to help the families left behind.

7. *Treatment of the Men "Reprieved."*—So satisfied were the unions with what had been done, as they supposed, that, with the exception of lists of contributions from time to time, and occasional references in speeches and newspapers, the fate of these men dropped out of notice for some years. Now comes a cruel sequel. The men had been hurried out of the country, to Hobart Town, Van Dieman's Land. Some were put to work with the chain-gangs on the roads, others on the Government farm. At the end of 1835 George Loveless had an offer from the Governor to send for his wife to settle in the colony—no mention of a pardon or release being made. Loveless refused to send for his wife and children so long as he was a prisoner. At last, however, he consented. He wrote on January 27, 1836. On February 5th he was sent for by the superintendent of police, when he was informed that, by the order of his

Majesty's Government, he was to be "exempted fr Government labour, and he was to employ himself to his own advantage until further orders." This was nearly two years after his conviction and sentence, and a year and nine months after Lord John Russell's statement to Parliament. It was near the close of 1836 when Loveless saw a copy of the London *Dispatch*, in which it was announced that the Dorchester Unionists had been reprieved. Loveless states "that orders were sent from the Home Government to work the Dorchester Unionists in irons on the roads," but the order had not been enforced by the Governor. The Hobart Town *Tasmanian* is responsible for this statement. Loveless did not know what had become of his companions, and therefore he addressed a letter to the editor of the *Tasmanian* with respect to the "free pardon," and asking whether the other five had been sent home, as Lord John Russell had said they would be.

8. *George Loveless and his Pardon.*—As a result of the publication of the letter in the *Tasmanian*, signed "A Dorchester Labourer," the Governor sent a letter to Major de Gillern, in whose service George Loveless was, to know if Loveless were employed by him, and stating that he, Loveless, was wanted at Hobart Town. The major told Loveless of the letter, but said nothing about his presence being required by the Governor. Loveless replied to the letter, and in answer thereto received one from the Principal Superintendent's Office, dated October 6, 1836, in which he was informed "that the reason of his Excellency wishing to see you is in consequence of the Secretary of State, when he sent the order for your free pardon, having authorised his Excellency to give you a free passage to England, and he therefore wishes to be informed whether you are willing to go back; in that case his Excellency will give you a free passage by the *Elphinstone*." Loveless wrote back to say that he highly appreciated the kind offer of his Excellency, and would gladly avail himself of the offer, but that he was placed in an awkward position. He

inded his Excellency of the fact that he had been rsuaded to send for his wife, and so far as he knew she ght be on her way out, as months had elapsed since he wrote for her. He asked, therefore, that he might be allowed to remain until he saw her or heard from her. The answer to his letter was as follows: "George Loveless, in answer to your note, wishing to know if you could be allowed a passage to England, I have to inform you that, unless you go by the present opportunity, the Government will not be able to give you a free passage.—JOSIAH SPODE, 8th of October, 1836." This man, therefore, had been placed in this position: the Governor persuaded him to send for his wife, and before she could arrive was offered his passage home.

9. *Free Pardon: Return to England.*—Some eight or ten days later Loveless went to Hobart Town and called at the Colonial Secretary's office to explain his position. He was then blamed for not calling before. He explained that he did not know that he was wanted. The official replied that the letter was sent to Major de Gillern because they did not know his (Loveless's) address. "That cannot be," replied Loveless, "as the place called my home is registered in the Police Office, by order of the Governor." The official replied, "Well, the order is to send you back by the first ship." Loveless then said, "I think, sir, you have had a free pardon for me in your office some considerable time longer, before I knew anything about it, than I have delayed in coming since I have known of it." Ignorance of address was pleaded, but it was known, being registered in the office. Loveless further objected to be sent home as a prisoner, he then being a free man. The official then said, "Well, Loveless, what do you want?" He repeated his request to be allowed to remain until he heard from his wife, and to have something to show that he might claim a free passage to England. The official promised to draw up a memorandum, and let him know in a few days. On October 24, 1836, he received a letter from the Principal Superintendent's Office to say that his Excellency the Governor had con-

sented to his remaining in the colony until he heard tidings of his wife, and that a free passage home was complied with. On December 23rd Loveless received a letter from his wife declining to join him in the colony. He then wrote to the Colonial Secretary to that effect. As no answer was received, he went to Hobart Town on January 20, 1837. On calling at the office he was told that a letter had been sent to him care of Major de Gillern. A steerage passage was granted on the ship *Eveline*. On Monday, January 30th, he sailed, and arrived in London on June 13, 1837.

10. *Who were Responsible for Delay?*—Special attention has been given to the narrative of George Loveless because he it was who preserved a connected account of what passed, the narrative being published by the Central Dorchester Committee, London, September 4, 1837, when all the parties were still alive—the transported men, the four committing magistrates, the foreman of the grand jury, the jury, the judge, and the witnesses of the prosecution—all the names being given in full ; also those of the seven chief Ministers of the Crown then in office as his Majesty's Government.[1] These, or any of them, could have answered the report if there had been misstatements of fact or exaggeration in respect of any of the events or circumstances. None were challenged. The serious question which arises is, Who was responsible for the delay in freeing these men, and safely landing them in England? Who gave the order for the men to work in chains on the road? Why was the free pardon withheld? It would seem that every effort was made to induce, almost to compel them to remain in the convict colony. Why? Was it lest their tale of wrongs inflicted would arouse public indignation in England, and evoke the wrathful power of the unions?

11. *Hammett's Story of a Convict's Life.*—Of James Loveless, brother of George, John and Thomas Standfield, brothers, and James Brine, very little is known, except that, when they could get away from the convict colony,

[1] The report, with additional particulars, was reprinted in 1875.

by went to Canada, where they prospered. This, at rate, was the report in their native village so late as 75. James Hammett, who was wrongly convicted, returned to England, and was welcomed as a hero and martyr in the cause of labour. In his speech at Briantspuddle, March, 1875, he was, he said, sold like a slave for £1. The convicts' names were written on slips of paper, the agents drew lots, each man at £1 per head. Hammett being drawn, the agent gave him the name of his master, told him the place where the master lived, and sent him on his way, four hundred miles, in a strange land, with provisions to last for twenty-two days to carry on his back, sleep where he could, and inquire his way as he went along. Weary and footsore, he reached his destination without a guide and without money, with only his meagre rations. He did not complain of bad treatment by his master, and, indeed, they all appear to have escaped flogging, though threatened from time to time. But one of the first things witnessed by James Hammett, after his three weeks' quarantine, was a stripped convict strapped across a barrel and there given seventy-five lashes: fifty on his bare back and shoulders and twenty-five on the calves of his legs—a lesson not to be forgotten. George Loveless also was a witness of many other cruelties, and suffered many himself, though he escaped flogging.

12. *General Review of the Case.*—The narrative of the six Dorchester labourers has exceeded in length what I had intended, but the story had to be told. The episode is a startling one in the history of labour. The issues involved were grave, the circumstances were exceptional, the prosecution was a travesty, the manner of conviction was almost unprecedented, the sentence was cruel, not to say savage, and the subsequent treatment of men as convicts, after they had received the king's pardon, was unparalleled in the history of the administration of criminal law in England. The horror of it all was intensified because of the fact that all these things took place after the Reform Act of 1832, under the authority of the

Reform Ministry, the chiefs of which sanctioned popular gatherings of the unenfranchised masses as a stepping-stone to power; and, above all, that it should have occurred eight years after the repeal of the Combination Laws, under "popular government" with representative institutions.

CHAPTER X

FURTHER GROWTH OF UNIONISM—EMPLOYERS' FEARS —INQUIRY IN 1838

STATESMEN, so called, are, as a rule, notoriously ignorant of the teachings of history, or they are too egotistical to accept and apply them. There is one lesson of all others as to which history is, I think, unanimous, namely, that persecution is the seed-bed of popular revolt. Repression, as a general rule, fails in the end, at great cost of blood and treasure. Persecution evokes enthusiasm, nerves men to heroic deeds, and sustains them in danger, in suffering, in torture, and at the stake. This is as true industrially as it is politically; all admit the truth as regards religious persecution. And yet statesmen rely upon repression to secure their ends. There is a point where prosecution becomes persecution; it was so in the case of labour. The success of those methods may be estimated by comparing the cause of labour a century ago, seventy-five years ago, fifty, forty, or even thirty years ago, with the position of the labour movements of to-day. Lord Melbourne is a notable instance of obliviousness to the lessons indicated, or he utterly disregarded what they taught. His principal biographer, my old friend, W. M. Torrens, says: "He had no enmities and no enemies. Rancour was foreign to his nature, and lasting resentment, no matter what the provocation, had not a hiding-place in his open heart." [1]

[1] "Memoirs of Viscount Melbourne," new edition revised, 1890, p. 349.

This may be true as regards persons, but certainly not as regards concrete bodies and the individuals who represented those bodies. He might have had no rancour against the six Dorchester labourers personally, but against trade unions, and those who represented unionism, his resentment not only had a hiding-place, but it was perpetual, insatiable.

1. *Design to Re-introduce Repressive Legislation.*—It is necessary to go back a few years in our review. The facts here given, and those previously recorded, seem not to have been known to Lord Melbourne's biographers, or to the historians of the period, or else they ignored them. In either case the omission is indefensible. One is tempted to believe either that the truth is suppressed, that false issues are suggested, or that the writers were ignorant of most important matters connected with Lord Melbourne's life as Home Secretary and Prime Minister of England. It appears that so early as November, 1830, a few days after he had received the seals of office as Home Secretary, Lord Melbourne consulted Mr. Nassau W. Senior and requested him to inquire into combinations and strikes, to report on the state of the law, and to suggest improvements in it. Mr. Senior was a political economist, but not a lawyer, and he requested the assistance of a lawyer, and thereupon Mr. Tomlinson was appointed to act with him. Questions were circulated and witnesses were examined, and in 1831 a report was sent in to the Home Office, "which," Mr. Senior naïvely says, "must still be in the archives of the Home Office."[1] We have no information as to the questions circulated, to whom they were sent, or who were the witnesses examined by this secret commission of two persons. But Mr. Senior tells us that, as Commissioner in 1841, "on the condition of the hand-loom weavers," he introduced into the report "the most material portions" of the joint report of Mr. Tomlinson and himself on combinations and strikes. This is important, because a Select Com-

[1] See "Historical and Philosophical Essays," 1865, vol. ii., "Combinations."

mittee was appointed to inquire in 1838, but such report was not then given; it was reserved for another three years, making ten years from its date.

2. *Lord Melbourne's Attitude in* 1830.—It is important that an outline of those "most material portions" should be introduced here, for two reasons: (1) Because that report made in 1830 seems to have not only influenced but practically governed the policy of Lord Melbourne during the whole time he was in office; (2) because a reference to it at a later date would be useless and out of place and not even pertinent to the inquiry of 1841.

3. *Inquiry by Mr. Senior.*—The spirit in which the inquiry was conducted by Mr. Senior in 1830 is obvious from his observations in publishing that report, in his own name, in 1865, at a period, too, when a further attempt was contemplated of interfering with, even of "stamping out the unions." Mr. Senior says: "The law remains as defective, the combinations are as tyrannical, as unresisted, and as mischievous as they were in 1831. I still believe that the remedies suggested by us would be useful, perhaps effectual. I still cherish the hope that a Home Secretary will be found wise enough and bold enough to grapple with this tremendous evil."

4. *Synopsis of Report of Messrs. Senior and Tomlinson.* —(1) In the outset they say that "the object of combinations among workmen is the increase of wages and the general improvement of their condition, and they have adhered to them for many years, at the expense of great and widely-spread suffering, at a sacrifice of individual liberty, such as no political despotism has ever been able to enforce, and with a disregard of justice and humanity which only the strongest motives could instigate." This is not true, even of the years covered by the two inquiries, in 1824 and 1825, as the evidence shows. Even if true, the conduct of employers was certainly equally bad. The revolt of the workmen was an effect of bad conditions, not the cause of them, nor of the "widely-spread suffering" which was endured.

(2) They further say: "With few exceptions, the

tendency of combinations has been precisely the reverse of their object, . . . and they have led to the positive deterioration of the wages, and of the condition of those engaged in them, and of the numerous body who are excluded from them." Not true again. The complaint of employers, in their evidence, was that the unions had increased wages, in which view workmen concurred. The latter also knew that the conditions of employment had improved.

(3) With respect to the four "purposes of combinations," only one can be said to be fairly stated, namely, the third: "Raising wages, or, what is the same, preventing their fall." Trade unions never have contended for "equal wages" for all employed in the same trade. The contention was, and is, for a minimum or trade-union rate—not absolute uniformity. This contention is now generally conceded. The two other "purposes" named were not even then entertained in the manner stated in the report.

(4) The references to intimidation and outrage are of cases antecedent to the repeal of the Combination Laws, and therefore ought not to have been introduced with the view of supporting a Whig Government in an attempt to undo what the Tories had effected, namely, the repeal of the Combination Laws, by the re-enactment of those laws, or by enacting more stringent provisions than those in the existing Act of 1825.

(5) Various paragraphs relate to methods of organisation, contributions, management, rules, and to the means adopted to attain the objects aimed at. These need not be recapitulated, as, with the exception of taking an adverse view of the objects and means of trade unionism, the paragraphs in question simply represent the employers' attitude at that period.

5. *Suggestions for Changes in the Law.*—(1) As a preface to their suggestions they state general principles as a basis of law—rights of property, individual liberty, protection from violence and intimidation. The only objection to those observations is that they seem to pre-

suppose evil intentions only on the part of workmen; employers are not even referred to. The report goes on to state that "the law of England, as respects combinations,' has not given the protection which was needed! Really! What of the Combination Laws and the other series of enactments set out in Chapters III., IV., and V. of the present work? If the legislature "left undone almost all that ought to" have been done, whose fault was it? Not the Government, not Parliament, not the administrators of the law, not the employers.

(2) The report continues: "The Common Law of England considers all conspiracies as misdemeanours, and, on indictment and conviction by a jury, as punishable by fine and imprisonment," &c. "It includes, under the general head of conspiracy, all confederacies where either the purpose or the means are unlawful, whether the object be to effect a lawful purpose by unlawful means, or an unlawful purpose by any means whatever." After referring to some well-known cases, the report continues: "The instant the labourers or the masters attempted to make common cause, the instant the members of either body agreed to support one another in their requisitions, the law held the purpose of the agreement to be prejudicial to third persons, or injurious to trade in general, and therefore an unlawful agreement—a conspiracy, and therefore a misdemeanour—and the parties engaged in it might be indicted either as having conspired among themselves, or together with parties unknown!"

(3) Further: "It did not matter whether the acts by which the objects of the agreement were to be effected were or were not in themselves unlawful. The crime consisted in the agreement itself, and an indictment might be sustained by simply proving the agreement; without showing that a single act had been done to carry it into effect; or by proving various acts done by the parties tending to one common end, from which a common design, and an agreement to effect that design, might be inferred." The report shows how the monstrous doctrine here indicated was applied to labour disputes, by including

in such indictments the Common Law doctrines, as well as specific enactments by Parliament, in the charges against those prosecuted. Thus "the Common Law erected into crimes acts in themselves perfectly innocent, and subjected the acts to punishment." Even the authors of the report condemn the use of such expedients to mete out "far severer punishment to persons in combination to raise wages," than to actual crimes.

(4) The remainder of the report deals with the Acts in force prior to 1824; with the provisions of that statute, with its repeal, and the substitution therefor of the Act of 1825; also the differences in the provisions. Mr. Senior assumes that the repeal of the Common Law in 1824 was intentionally absent from the Act of 1825, though the words: "persons meeting" or agreeing "as aforesaid, shall not be liable to any prosecution or penalty for so doing, *any law* or statute to the contrary notwithstanding," would seem to imply that the Common Law was included, though it was not mentioned. It was a bit of legal jugglery to substitute such words; one might be pardoned for suggesting that a trap was laid for unwary workmen.

6. *Result of the Inquiry in* 1830.—The value of the secret inquiry, as a means of enabling the Whig Ministry to introduce fresh legislation of a repressive character, is shown by its limited scope and ultimate results. The Commission was restricted to two men, one of whom at least was notoriously prejudiced. It was one-sided and inadequate. There is no available report of the evidence obtained, and the Commissioners' Report thereon was never officially published. It was used, however, in two subsequent inquiries—in 1838 and 1845.

7. *Extent of the Inquiry.*—Mr. Senior rightly states that the "inquiries were directed almost exclusively to Ireland and Scotland . . . and scarcely extended beyond Dublin, Belfast, and Glasgow." He gives some extracts from the evidence to show that the unions tried to prevent men working under conditions which were regarded as disastrous to labour. He even introduces extracts from

the "First Report of the Constabulary Commissioners" to support his view. Upon the extracts selected he bases various conclusions, which he formulates into a series of paragraphs on theories of wages, of supply and demand, &c., and he deprecates alike workmen's combinations to advance wages or to resist reductions, and the alliance of employers and operatives to compel other employers to pay the recognised rates.

8. *Authorship of Draft Report.*—Those paragraphs, and others given by Mr. Senior, were evidently drafted as a report. It is usual for a report of a Select Committee to be drafted by the chairman; this one was drafted at the instance of Lord Melbourne, with the authority of the Government. That it was drafted by Mr. Senior is certain—to whom was it submitted, by whom approved? There was no Committee to whom it could be referred, and no authority to sanction its publication. Nevertheless it saw the light in 1865, by Mr. Senior's own authority.

9. *Select Committee's Inquiry in* 1838.—The growth of trade unionism from 1833, and especially the impetus given to it by the prosecution of the Dorchester labourers in 1834, and the agitation which followed thereupon, seems to have again caused a flutter in the dovecote of the Whig Ministry. True to his old prejudices, and to the instinct which in 1830 led him to contemplate the undoing the legislation of his predecessors in office, the Tories, in 1824 and 1825, Lord Melbourne appointed a Select Committee "to inquire into the operation of the Act 6 Geo. IV., c. 129, and generally into the constitution, proceedings, and extent of any trades' unions, or combinations of workmen, or employers of workmen in the United Kingdom, and to report their observations thereon to the House." This was done on February 13, 1838, and, on June 14th the evidence was reported to the House.[1]

10. *Extent of Inquiry and Evidence.*—The Committee

[1] See Chap. XI. par. 1 as to origin of inquiry, evidence, and attitude of trade unions.

sat on eleven days, and examined fifteen witnesses. Of the witnesses examined seven were employers, five were operatives, one a lawyer, one Sheriff of Lanarkshire, and one a Manchester magistrate. The preponderance of evidence was as ten capitalists to five operatives. As is usual in such inquiries, the evidence of employers and others was flatly denied by the operatives, and *vice versâ*. The evidence was mainly from Glasgow and the surrounding districts, from Belfast, and some from Manchester and district. It is needless to go through the evidence *seriatim*. Cases of intimidation were alleged, and denied; the cases apparently proved mostly took place anterior to 1825, those of later date were not important. The operatives had in their favour Mr. Hindley, Mr. Hume, Mr. Crawford, Mr. Wakley, Mr. Poulett Thompson, and later on Lord Ashley. Sir Henry Parnell was an efficient and impartial chairman.

11. *The Common Law as a Weapon in Labour Disputes.* —Mr. Senior, in his draft report, states that the 6 Geo. IV., c. 129, revived the Common Law against combinations, with the exception of agreements among persons present at a meeting, &c: "All other combinations and agreements to the prejudice of third persons are still conspiracies, and, on indictment, punishable at the discretion of the court by fine and imprisonment; in case of assault in furtherance of a combination to raise wages, the court can, under 9 Geo. IV., c. 31, § 35, add hard labour for any term not exceeding two years." He was desirous that this fact should be specially known. He says: "It seems to be supposed that combinations are not punishable unless accompanied by violence, intimidation, or molestation." "This," he says, "is true as respects statutory punishment, but not as respects the far heavier punishment awarded by the Common Law." After alluding to acts so punishable, he adds: "In fact there is scarcely an act performed by any workman as a member of a trade union which is not an act of conspiracy and a misdemeanour." Surely this ought to have sufficed even for a political economist like Mr. Senior or a Minister like Lord Melbourne.

12. *Increase of Penalties under Act of* 1825.—He notes that, besides reviving the Common Law, the 6 Geo. IV., c. 129, increases punishment from two months to three months, "and enables a conviction on the oath of a single witness." He then seems to demur to the provision which "gave to the party convicted an appeal to quarter sessions," a section which he quotes.

13. *Suggested Modification.*—He goes on to say: "We recommend that the statutory process and penalties be extended to some acts now subject only to the severe punishment, but inconvenient process, of Common Law." He adds: "We further recommend that some acts be declared punishable the criminal character of which has not yet been distinctly recognised!" This, after his declaration that all acts by a trade unionist is a "conspiracy and a misdemeanour." Mr. Senior's notion of force is noteworthy.

14. *Arrest Without Warrant.*—It is further recommended that persons offending shall be seized by any one "without summons or warrant," to be carried "before a justice," and there compelled "to give their names and addresses." Refusal to do so to "be a distinct and cumulative offence." Further, "that the justices have power to convict and punish without naming the convict, identifying him by description or otherwise." Thus, we now see how James Hammett was accused and convicted, though innocent, in 1834.

15. *Rejection of Report by Select Committee in* 1838.—No wonder that the Select Committee of 1838 rejected such a report, or that they separated without report, or even so much as a remark upon the evidence. But the intention of the Government, or at least of the Home Secretary, is painfully evident in this draft report, the main principles of which were in the report presented in 1830–31. It seems almost impossible that such recommendations should have been made so late as 1838, and that too, apparently, with the implied sanction of a Minister of the Crown—the Home Secretary, at whose door lies the deplorable injustice done to the six poor

Dorchester labourers. And parts of this rejected report appears in the Report of 1841 on the Hand-loom Weavers, three years after the inquiry in 1838! I am glad to be able to rescue it from oblivion, and to reproduce the main portions for the delectation of the present generation.

CHAPTER XI

LABOUR MOVEMENTS IN THE FORTIES, POLITICAL AND INDUSTRIAL

MORE space has been devoted to the case of the Dorchester labourers, and to the "Inquiry into the Operation of the 6 Geo. IV., c. 129, and the Constitution and Proceedings of Trades' Unions," in 1838, than was originally intended. Not, however, more than those important subjects deserve. They were indeed the turning points in later industrial history. The action taken gave a stimulus to the organisation of labour, and drew labour unions closer together with the view of mutual support, either when attacked by the Government or by prosecutions, or when any one union was endeavouring to advance the interests of its members by increase of wages or otherwise. Trade unions had obtained certain concessions under the Act of 1825, and they utilised these to the utmost, in spite of numerous risks, known and unknown. Publicity gave them strength—and also importance. They, moreover, found some staunch supporters among the middle and wealthier classes, not because these concurred in all the methods resorted to, or even in all the objects aimed at. But they regarded publicity as preferable to secrecy, and liberty of action to tyrannical suppression. There was also a wider franchise than existed previously to 1832, and, although the working classes were still, for the most part, non-voters, the appeals at the hustings gave them a power of expression, if only by cheering, hooting, and holding up of hands;

these things influenced politicians when they appeared as candidates, to solicit the suffrages of "the free and independent electors" in the various constituencies.

1. *Working Men's Association and Chartism.*—A newer influence had arisen among the working classes since the agitation over the Dorchester labourers, and the fuller development of trade unionism in the early thirties. The London Working Men's Association was established in June, 1836. Its objects were mainly political, and it subsequently gave rise to the Chartist movement. It was the Working Men's Association which formulated the resolutions which formed the basis of and ultimately drafted "the Charter." The organiser and ruling spirit for some time in that movement was William Lovett, by occupation a cabinet-maker and a trade unionist. When the proposal was publicly made for the inquiry relative to trade unions in 1838, he was elected secretary of the "Combination Committee" appointed by the trades of London, its object being to secure a thorough investigation of the subject by the Select Committee. In a letter to the *Northern Star*, on the eve of that inquiry in 1838, Mr. Lovett lays bare the devices of those who took part in promoting it, and indicates the object. In that letter he accuses Daniel O'Connell of being the cause of extending the inquiry to Ireland, especially as regards the Dublin trades. He avers that O'Connell strove to keep back, as far as possible, trade union evidence, such as the "Combination Committee" was prepared to tender. He speaks of Mr. Hindley and Mr. Wakley as the two members of that Committee upon whom the men mainly relied to see justice done.[1] They, however, fell ill, and were not always present. His version of the story, told by one who knew, shows how narrowly the unions escaped from the danger to which they were then exposed.

2. *Attitude of Chartism towards Labour.*—The Chartist movement grew rapidly. From small beginnings, on

[1] See "William Lovett," an autobiography, 1876, pp. 158 and 159.

June 9, 1836, when, "at a meeting of a few friends at 14, Tavistock Street, Covent Garden," Mr. W. Lovett proposed the formation of the Working Men's Association, it soon developed into an agitation which spread throughout Great Britain, and became at once the hope of the masses and the terror of the governing classes. It does not come within the scope of this work to trace the history of that movement or to discuss either its principles, policy, or the means adopted by the Chartist body to attain its ends. It was a political organisation for political purposes, but it sought, by means of "the Charter," to improve generally the condition of the working classes, industrially and socially, by and through their enfranchisement and the power and influence of a Parliament elected by the masses of the people. Naturally the Chartists sought to obtain the support of trade unions, and a few of them did actually ally themselves to the Chartist Association. As a rule, however, they kept apart from that body, as unions. But as individuals, members of various unions, were also Chartists, hence in the public mind they were regarded as one and the same. This arose from two circumstances—(1) the concurrent movement for the extension of factory legislation, and (2) the proposals of the Chartists for a universal strike.

3. *Factory Legislation and Chartism.*—The agitation for an extension of the Factory Acts, which developed into the demand for a Ten Hours' Bill, was altogether independent of the Chartist movement. The originators and chief supporters of that measure had little sympathy with Chartism. Many of them were Tories, some were Whigs, others cared little for politics. The Chartists generally supported the demand for ten hours and other improvements in factory legislation, but they contended that a Chartist Parliament would give what was required by factory operatives, and more. The divergence was so great that at times the respective supporters of factory legislation and of Chartism came into conflict—each fiercely denounced the other. But in both movements there were to be found men who fraternised, believing

the objects to be good and that there was no need of variance, no justification for recrimination or opposition. The workers cared very little about the differences of their leaders—they wanted both factory legislation and the Charter. Hence in the great Chartist demonstrations in all the chief centres of industry, especially so in the textile districts of Lancashire, Yorkshire, and the Midlands, the operatives assembled in tens of thousands in support of both movements.

4. *Proposed Universal Strike.*—The proposal for a universal strike came from the more ardent section of the Chartist advocates as the quickest and surest means for obtaining the Charter. William Lovett opposed the scheme from the first, as did some others. But the proposal was adopted, and in some of the manufacturing districts the workers fell in with the idea and espoused the cause. In what cases and to what extent the governing bodies of the unions—council, executive, and officials—supported the suggested universal strike there is no means of knowing, as the minutes of the societies are not available. The one fact certain is that there was no universal strike—not even a general strike; some great but partial strikes took place, however, with disastrous results. The Unions, as a rule, in their corporate capacity, were averse to the proposal, and refused their sanction.

5. *Strikes against a Foreman.*—Strikes were not so numerous in the forties as in some other decades, but a few took place of some importance. There was one at the new Houses of Parliament in 1841–2, the dispute being as to the conduct of a foreman of masons. The men alleged (1) that he endeavoured to compel them to take beer from a particular public-house, supplied by a potman daily; (2) that when the men refused to buy the beer the foreman locked up the pump so that they should not get water to drink; (3) that masons were compelled to sharpen their tools and purchase certain tools from a particular firm; (4) that the conduct of the foreman in question was coarse, brutal, profane, and grossly tyrannical. The contractors admitted that there was "an

understanding between them and the brewers" as to the supply of beer. That was an obvious evasion of the Truck Act. The contractors made concessions, and for about six weeks matters went smoothly. Then the foreman began to harrass the men who had made complaint, had spoken at public meetings where his conduct was condemned, and who had been concerned in deputations to the firm. These he discharged; eventually the men struck work on September 11, 1841. The strike continued till May 25, 1842—nine months. The men were unsuccessful in getting rid of the foreman, but the strike delayed the completion of the Houses of Parliament for several months, and also of the Nelson Column in Trafalgar Square. There was no case of intimidation or other breaches of the law during the strike. The total cost of the strike was estimated at about £15,000, towards which other branches of the building trades subscribed £3,500. The number on strike was about four hundred, "only five of whom went in," according to the official report.

6. *Strike for Shorter Hours on Saturdays.*—There was another strike of masons at the new Houses of Parliament, the object being cessation of work at four o'clock on Saturdays. This was supported by all branches of the building trades. It was the first great strike recorded for shortening the hours of labour. By custom and otherwise the ten-hours' day, or sixty hours per week, was regarded as a kind of Heaven-ordained law—that is, in trades were longer hours were not customary. In many industries, however, the hours were much longer, in some they were indefinite. Leaving work at four o'clock on Saturdays only meant a reduction from sixty to 58½ hours. The demand was resisted, but the men were eventually successful. The men desired to secure the shorter day for all branches. Messrs. Cubit, Baker, Peto, and others were cited by the leaders as being favourable to the change; the men therefore pressed other building firms to grant the concession. The two most important strikes took place at the Army and Navy Club House in Pall

Mall, and at the Coal Exchange—both by the same builder, Mr. Tregoe, in 1848. The men pleaded that most of the master builders had by this time conceded the four o'clock, but Mr. Tregoe refused to give way, and the strike continued.

7. *Indictment for Conspiracy.*—In connection with that strike twenty-one masons were indicted for conspiracy. The proceedings lasted for months owing to delays, postponements, new pleas, and what not, the costs being very considerable. The employer offered to withdraw from the prosecution if the men would apologise and give up their demand for the four o'clock on Saturdays, but the men refused. At last the prosecution was abandoned unconditionally, for the men refused to budge from the position they had taken up. The men indicted demanded trial, and this apparently the employer hesitated to face. No decision of the court is therefore available in this case.

8. *Shorter Hours on Saturdays Conceded.*—Other than those alluded to, the strikes for the four o'clock on Saturdays were unimportant. Gradually it was conceded by employers without much resistance. Perhaps the earlier closing on that day was as agreeable to employers and foremen as to the operatives. But it took some years to secure it generally throughout the country. In some cases employers, not of the better sort, rendered the boon valueless by withholding the wages until a late hour, the payments being made at public-houses. This led to drinking, discontent, and quarrels, which in some instances continued throughout the fifties, for bad practices die hard. Respectable employers did not resort to this. The system was confined mainly to sub-contractors and jerry-builders, and these at that period were numerous in a great many districts. The principal contractors and master builders generally paid promptly on the large jobs or at their counting-houses, according to circumstances.

9. *Advances in Wages in the Forties.*—During the forties a determined effort was made in London to

ensure for mechanics and artisans a minimum wage of 5s. per day, or 30s. per week. There was no uniform rate, but from 4s. 6d. to 5s. per day was regarded as the usual rate in London; of course wherever possible the lower rates were tendered. Strikes to enforce the minimum rate of 5s. were numerous, but not of importance. They were, as a rule, local, often confined to one firm or job. The larger firms conceded it without much trouble, but jerry-builders held out as long as they could. Manchester and Liverpool usually followed in the wake of London as regards wages, but in some respects, as, for example, "walking time" and codes of working rules, they were ahead. Other important towns were brought more or less into line as time and circumstances permitted.

10. *General Union in the Printing Trades.*—In 1844 there was some activity among the printing trades, which resulted in a union of the various local societies in January, 1845. The new body thus formed was called the National Typographical Association. It consisted of a central board, or managing body, with five district boards: (1) Scotland, eight local unions or branches, 800 members; (2) Ireland, eleven branches, 569 members; (3) Midland, twenty-two branches, 714 members; (4) South-western, twelve branches, 237 members; and (5) South-eastern, seven branches, 2,000 members; total, 4,320 members. The objects of the Association were uniformity of trade usages, number of apprentices and boys in proportion to journeymen, and generally the prices to be paid for labour. Some twenty-six cases of dispute were recorded in the first half-year of its existence, and twenty-five in the second half. A strike took place in London against a reduction in the price per 1,000 for certain work; after a month's struggle the employers gave way. In Scotland also there was a similar attempt, but after six weeks' resistance the employer in the case yielded. The income for the year was £4,099 5s. 2d., the expenditure £2,111 11s. 11d., thus leaving a good balance in hand.

11. *Disputes and Dissolution of the General Union.*—In March, 1846, a delegate meeting was held in London, at the suggestion of the London Society, to consider the question of apprentices in proportion to journeymen and the employment of boys. Certain regulations were agreed to by the Conference. There were 136 disputes in 1846, one being in London, with respect to the apprenticeship regulations. In December, 1846, thirty-eight employers in Edinburgh combined to break up the Association, and succeeded in so far as Edinburgh was concerned. Other circumstances arose which led to the dissolution of the Association in 1847. In June, 1849, the Provincial Typographical Association was formed—London, Manchester, and Birmingham having each an independent union.

12. *Federation of Trades.*—In 1845 was formed the "National Association of United Trades." "The Grand National Consolidated Trades' Union" of 1834 had passed away. The new Association was a federation as a matter of fact, and was not intended to supplant local or general unions, or interfere with their internal management or policy. This is specifically stated in the preface to the Rules. Its object was "to form a common centre . . . for mutual assistance and support in case of need." The constitution provided for affiliation, representation, payments, annual conferences, and special sessions, as may be required. It started the *Labour League* as it organ, the first number appearing on August 5, 1848. It existed nearly a year. In its columns are to be found reports of trade and labour movements in 1848 and 1849, including the masons' strike, and the prosecution for conspiracy; the strike of mechanics and others on the London and North Western Railway; the prosecution of Sheffield workmen, and their sentence to transportation; the rise of the movement in the engineering trades as to overtime, &c., which ultimately led to the formation of the Amalgamated Society of Engineers. Here also will be found reports respecting the agitation by the factory operatives for the

Ten Hours' Bill; the attitude of trade unionists and Chartists towards the Free Trade movement, and many articles of value on the subjects of the day. The "National Association of United Trades" continued to exist until 1867, but in its later years it devoted itself mainly to the promotion of a measure for Conciliation in labour disputes, first promoted by Mr. Mackinnon, and afterwards carried by Lord St. Leonards, as the "Conciliation Act, 1867."[1] Mr. Thomas Winter was the secretary of that Association.

13. *A Question of Rattening and Conspiracy.*—A case of very considerable interest is reported in the *Labour League* at some length, at intervals over several months—namely, that of Drury and Others *v.* the Queen. John Drury and three others were prosecuted for alleged rattening and conspiracy, and were sentenced to seven years' transportation. The trades took the matter up, as the prosecution was at the instance of the "Association of Sheffield Masters." The men were convicted upon the evidence of two convicts, who had really committed the offences charged against those named, but who, it was alleged, had been promised a remission of the sentence if they would give evidence against Drury and his fellow-workmen. They did give evidence, and soon afterwards their sentence was reduced very considerably. After much delay, and a long imprisonment, the case was re-tried, on a writ of error, before Lord Chief Justice Denman, Mr. Justice Patteson, Mr. Justice Coleridge, and Mr. Justice Wightman, when the judgment was reversed, and the prisoners were ordered to be discharged. Then a new indictment was preferred against them, and they were still longer detained in gaol, but the case broke down and a verdict of not guilty was returned. They, however, had no remedy. They had only the consciousness of innocence to sustain them in their trial, and the sympathy and support of their fellow-workmen in the country. The prosecution, conviction, and sentence evoked a good deal of feeling, and some severe criticisms were passed

[1] See Chap. XL. par. 9; also Chap. XVII. pars. 18 and 19.

upon the Sheffield masters, and even more severe condemnation of the witnesses upon whose evidence the men had been convicted. It was another attempt to stamp out unionism by the long and strong arm of the law.

CHAPTER XII

LABOUR MOVEMENTS—PROGRESS IN THE FIFTIES—I.

The Engineers and Cotton Operatives.

CONSIDERING all the difficulties of the situation, the working classes made great progress in the organisation of labour during the first twenty-five years after the repeal of the Combination Laws. Their action was restricted by legal enactment, and it was not without serious risk that they attempted to build up associations in the furtherance of their views for their mutual benefit. As we have seen, trades unions were, in a sense, lawful; but the means by which they sought to accomplish what was desired, were declared to be, in most instances, unlawful. Hence great prudence and watchfulness were required; it also needed a certain amount of daring on the part of leaders and men. The Corresponding Societies Act, 1798–9 (the 39 Geo. III., c. 79) was still in force—it is not even now wholly repealed; some of its most objectionable sections still remain. Friendly societies were only exempted from its provisions in 1846. In spite of that Act, however, the workmen dared to disregard its provisions and risk its penalties. "The Grand National Consolidated Trades' Union," of 1833–5, and the "National Association of United Trades," of 1845–67, were unlawful under that Act. So also were the two typographical associations referred to in the last chapter. There were many trade unions with branches, or lodges, which could perhaps have been

suppressed if the Act had been rigidly enforced. Happily it was not.[1] Most of the unions were local, confined to the particular trade or branch of trade represented. They were indeed in many cases merely sectional. The tendency of late years, for half a century now, has been to amalgamate or federate in order to concentrate their power; whereas formerly, under stress of law, the policy was isolation; their forces were weak, because diffused.

1. *Formation of Amalgamated Society of Engineers.*—In 1848 the "mechanics," as they were called, conceived that it was desirable to put a limit upon "systematic overtime," a practice then general, but without extra pay beyond the normal rate. Several meetings were held in London, and in 1849 the agitation had extended greatly, both in the metropolis and in the provinces. The proposal was that all sections in the engineering industry should co-operate with the view of attaining their desire. In 1850 there was a further development, the idea being that all sections—smiths, turners, fitters, pattern-makers, millwrights, &c.—should combine and form an amalgamated union. After much agitation, many meetings throughout the country, and a good deal of local negotiation, a large number of the unions consented, and thus was established the "Amalgamated Society of Engineers." The new society was an advance upon most other unions at that date; it provided a number of provident benefits — sick, superannuation, accident, funeral, and donation, as well as strike pay. Donation, or out-of-work benefit, was not wholly new, for the Typographical Association provided it in certain cases, and a few other unions. The Engineers consolidated benefits as well as amalgamated local societies. The union became, what it still is, the best benefit society in the world, by reason of its many provident benefits, quite apart from its power and influence as a trade union, in matters relating to labour. The Amalgamated Society of

[1] By the Act of 1846, the 9 and 10 Vict., c. 33, proceedings could only be taken in the name of the Law Officers of the Crown.

Engineers became a model union, an example to be imitated. Since that date a number of great unions have been constituted on similar lines. The two chief pioneers in that movement were William Newton and William Allan, the latter being the General Secretary for many years; both were splendid specimens of labour leaders —honest, upright, fearless, but always prudent in speech and action.

2. *The Engineers' Strike and Lock-out*, 1852.—The Amalgamated Society of Engineers publicly proclaimed itself as a society with branches. In the first year, 1851, it had 121 branches, with an aggregate of 11,829 members. Its income was £22,807 8s. 8d.; its expenditure £13,325; balance in hand £21,705 5s. But the struggle for the abolition of "systematic overtime" began before the society had time to effectively organise its strength. The men were beaten; the employers insisted upon a "character note" and repudiation of the union. In the two latter matters the men were able eventually to score a success. The union survived and flourished, and has continued to flourish to the present time. In the first six months of 1852 the Engineers' Society spent £63,553 15s. 8d., reducing its balance to £1,721 0s. 1d., yet only losing 212 members; but there was a further decline of 1,880 in the second half of that year. By the end of 1854 the numbers were 11,617, the same as in June, 1852. The story of that strike has been so well and fully told elsewhere that there is no need to retell it in these pages.

3. *The Preston Strike*, 1853.—Before the echoes of the engineers' strike and lock-out had died away, Lancashire was in the throes of a struggle by the Preston strike, in 1853. There had been no strike of consequence in the town since 1836. At that date 660 spinners struck for an advance in wages, thereby throwing idle some 8,000 weavers and others. The strike lasted thirteen weeks, when the operatives accepted the employers' terms. The union continued to exist, and also the Employers' Association, the latter taking cognisance of wages and other

disputes up to 1846, after which it was inactive, though never formally dissolved. In 1847, a year of great distress, the wages of the operatives were reduced 10 per cent., without resistance.

4. *Wages Movement in the Cotton Trades.*—In April, 1853, trade having revived, the spinners and self-acting minders sent a requisition to the employers asking that the 10 per cent. should be restored. Some employers granted the advance promptly and willingly, others partially, some refused, or took no notice of the requisition. A few isolated strikes took place, but these were speedily arranged. By the end of May an organised agitation was set on foot for the "unconditional" advance of 10 per cent., as some employers made it a condition that the operatives should not subscribe to a trade union. The movement had by this time extended to most other districts—Blackburn, Bolton, Stockport, with Preston being the chief centres. On June 5th a delegate meeting was held at Bolton, followed by a meeting at Preston on the 9th, when a circular to the employers was adopted. At this time 7,000 operatives were on strike at Stockport for the 10 per cent., but they offered to submit the question to arbitration, or take an average of the wages given within a radius of ten miles around Manchester. The employers refused the last, but offered to take an average of the entire trade. In the latter case the advance would have been less than 10 per cent., as in some districts wages were lower than in the Manchester district. In August the Stockport employers conceded the advance, rather than see their mills idle any longer. At Blackburn, also, terms had been arranged for the most part, and it was thought that the dispute would cease by a general concession all round.

5. *Issues Narrowed to Preston.*—The success elsewhere narrowed the issues to Preston. On August 14th a meeting of delegates resolved to make that town the battle-ground, and to concentrate their energies and means upon it. The Preston operatives, at a meeting held on the 22nd, agreed with the decision of the dele-

gates, and committees were formed to conduct the strike. According to the *Preston Guardian*, August 27, 1853, at all the mills in Preston and its neighbourhood, except five, the spinners were working at the advanced rate. Notices were then served upon the five mills; one firm in the course of a week conceded the advance, leaving only four to be dealt with. The strike was precipitated by an unfortunate misunderstanding with one firm, whose concession of the advance had been notified. When the prices were worked out there was a difference of over 2 per cent. in the amount in one case and of over 1 per cent. in the other. Want of faith was urged on the one side, and of a mistake on the other, but the weavers, among whom were 380 women, turned out, no satisfactory reasons being given on either side. The employers alleged that they were driven into combination by reason of the attitude of the delegates of the operatives; but it was proven that the Masters' Association, which had been dormant since 1846, was formally revived, extended, and organised on a new basis in March, 1853, whereas the Operatives' Committee for supporting the Stockport operatives was only formed in Preston on June 16th, and the Preston Committee for obtaining the 10 per cent. was only organised on August 29th. These dates demolish the employers' plea; but it may be urged that the masters foresaw what was coming, and acted accordingly. The employers issued an address on September 15th, signed by thirty-seven associated firms, including those with whom the dispute was pending, as well as others by whom the advance was said to have been given. The resolutions of the employers, dated March 18th and 31st respectively, are important on this point.

6. *The Preston Lock-out.*—The employers' manifesto of September 15th announced a lock-out of all the operatives until those on strike resumed work. The members of the Employers' Association entered into a bond of £5,000 to keep faith by each other, and to stand by the resolutions agreed upon. It has been suggested that this bond violated 6 Geo. IV., c. 129, and also, being in

restraint of trade, was an offence at Common Law. One master who attempted to evade the bond was threatened with the penalty, but the case never came into court. At the date of the lock-out the weavers were on strike at four mills, and at four others the spinners' notices were within one week of expiring.

7. *Prosecutions for Intimidation.*—Upon the lock-out notice appearing a great meeting was held in the "Orchard." The operatives intended to make it a demonstration, with bands and banners, but the magistrates forbade any such display, and the operatives submitted to their authority without resistance. During the first week some lads were prosecuted for intimidation and sentenced to imprisonment. The decision of the magistrates was appealed against, whereupon the prosecutions were abandoned. The magistrates then prohibited all open-air meetings after sunset. In this they were within their rights under old enactments, but the operatives regarded the action as an uncalled-for interference.

8. *Attempts to Settle the Dispute by Arbitration.*—Efforts were now made to avert a continuance of the struggle. The Cotton Spinners' Committee proposed a conference with the Employers' Committee, but the reply of the latter was that they did not recognise the Spinners' Committee nor their right to interfere in the dispute. Subsequently the Weavers' Committee proposed that "a deputation of employers should meet a deputation of workpeople for the purpose of discussing and arranging differences," or, if that were objectionable to the employers, "that the matter should be referred to arbitration, each party to appoint an equal number of experienced men unconnected with the strike, and that R. J. Parker, Esq., M.P., should be the umpire." If none of these proposals were acceptable the committee respectfully requested the employers to make a proposal. The employers utterly refused to acknowledge even the existence of such committees in connection with the dispute. Those who so acted did not seem to have the least idea of what was obvious, namely, that the operatives

had just as much right to collective action as employers, legally and morally. The Preston people not directly concerned in the conflict became alarmed for the prosperity of the town, and urged conciliation. The clergy then tried to bring about mediation, and failed. "The clergy, gentry, and tradespeople" held a conference with the same view, but this effort also failed. "Employers," it was said, "would not hear of any terms short of the abandonment of the union." The union leaders appear to have dreaded the fearful responsibility of a lock-out, and were anxious for some compromise, but all their proposed concessions were in vain. On October 15th most of the lock-out notices expired, and within a week all the workpeople in forty-five firms were out, two others being under notice. "In all Preston only fifteen firms acted independently" of the Employers' Association. These firms continued at work, giving employment to about 3,000 persons. The number locked out was variously estimated at from 18,000 or 20,000 to 30,000 workpeople.

9. *Extension of the Dispute.*—Though Preston had become the chief centre of the labour struggle for the return of the 10 per cent. reduction exacted in 1847, other towns participated in it. At Accrington, Burnley, and Bury, those employed in the fustian trade, as well as the cotton operatives, were out; also in Bacup, Padiham, Newchurch, Rawtenstall, and numbers in Manchester, including the dyers; large numbers were unemployed by reason of strikes, the Preston lock-out, and other causes. It was estimated that at least 65,000 persons were idle, besides some 6,000 other factory operatives and about 5,000 colliers who were on strike.

10. *The Employers' Ultimatum.*—On November 4th the employers held their first meeting after closing the mills, and passed two resolutions, the first on the subject of the dispute, the other adjourning the meeting till December 1st. The purport of the resolutions was that, if circumstances warranted, the mills should be reopened on the basis of wages prior to March 1st; the other was

that the men should emancipate themselves from the union. Those resolutions were replied to by the operatives' leaders, and were severely criticised in the Press; the *Times*, whose special correspondent was investigating the matter, was severely condemnatory of the conduct of the masters. The operatives again sought a pacific termination of the struggle by memorialising the Mayor, who refused to interfere, and then the Home Secretary, who declined to offer any opinion, but advised the operatives "to endeavour, if possible, to come to some arrangement with their employers." He did not advise the employers to come to some arrangement with the operatives—those were really the parties to be advised at that juncture.

11. *Repressive Measures.*—On November 16th there was a slight disturbance at Blackburn, caused by a rumour that the Preston employers intended to induce the Blackburn employers to co-operate. The latter paid the advance of 10 per cent. claimed, and the operatives contributed liberally to those locked out at Preston. Some windows were broken at the Bull Hotel, and some blows were given, but there were no injuries beyond a few bruises. The Preston manufacturers then memorialised the Home Secretary for troops to prevent disorder. On the 21st the police authorities prohibited the lock-out operatives from selling songs in the streets, threatening penalties under the vagrancy laws, which were at that time severe.

12. *Attitude of Employers and Operatives Respectively.*—On December 1st the employers again met, and resolved not to budge from their resolutions of November 4th, but notified their willingness to receive individual applications for work and to reopen the mills when a sufficient number of operatives had applied. Only about two hundred persons applied during the first week, but the unions had to extend relief in order to prevent others from applying. On December 29th so few had responded that the masters again adjourned until January 26, 1854. Then the employers issued a lengthy statement, giving

their version of the state of affairs. This was replied to by the operatives. Needless to say that the two documents flatly contradicted each other on matters of fact. Both were erroneous in some particulars.

13. *Trade Union Tactics of Employers.*—The employers throughout Lancashire had by this time made common cause, and agreed to support the Preston masters by a weekly contribution of 5 per cent. upon the total wages paid by each firm, the first instalment being paid on the first Saturday in January, 1854, and so on, week by week, until the dispute ended.

14. *Society of Arts Try to Effect a Settlement.*—The Society of Arts then tried to bring about a settlement. A statement was issued, and a conference was held on January 30th, but the employers held aloof. One was present as a listener, but refused to take part in the proceedings. A delegate from the operatives made a statement, but the conference ended without result, except a vote of thanks to the chairman.

15. *Partial End of the Preston Strike and Lock-out.*—The stubborn fight continued until February 8th, when it was notified that the masters would reopen the mills on the terms of November 4th, and in about a week some 1,500 had accepted employment. The action of the Poor Law Guardians facilitated this by refusing relief to all able-bodied persons. Placards were circulated and posted widely in England, Scotland, and Ireland for factory workers of both sexes, and the agents employed secured a number of hands. The importation of an alien body, mostly described as paupers, was protested against by the townspeople, and some disturbance took place on their arrival; the Riot Act was thereupon read, all public meetings within the borough being prohibited. [illegible] all the trying circumstances the operatives and their leaders behaved on the whole orderly throughout.

16. *The Town Clerk's Conduct.*—I have now to relate a sad and distressing story. The Town Clerk of Preston was the professional adviser of the Masters' Association. From the 18th to the 20th of March he was closeted daily

with the Mayor and magistrates, and it was soon rumoured that warrants had been issued for the arrest of the leaders. Ten were included in those warrants, and early on the 20th five were arrested, on the 21st two others surrendered, and then, later in the day, the three others. Those who really kept the peace of the town in those days were the operatives' committees, who counselled patience and, above all, order on the part of the people.

17. *Trial Postponed, Prosecution Abandoned.*—It seems almost incredible that the Town Clerk should have had the indecency to act as adviser to the Masters' Association at such a juncture, and to have practically taken part in initiating the prosecution of the labour leaders as adviser of the bench of magistrates. The examination lasted three days, the men being fully committed for trial at the Liverpool Assizes, then sitting. The proceedings were hurried, so as to bring the case before the jury on Monday, March 28th, only eight days after the men's arrest. On their arrival at Liverpool the working people received them with enthusiasm. Counsel for the prosecution strenuously urged their instant trial. The defendants' counsel pleaded for postponement till the autumn assizes. To this the judge—Mr. Justice Cresswell—consented, on the ground that the public would regard the trial as unfair if then proceeded with. Had the trial taken place at that time doubtless the prisoners would have been convicted, and probably sentenced to long terms of imprisonment, in the then state of public feeling as regards the strike, especially as the jury would have been of the employing class. By postponement the employers had abandoned the prosecution when the time had arrived for trial, the strike and lock-out being over. The case was so gross that the Town Clerk and the Employers' Committee ought to have been indicted for conspiracy. It was a clear case of intimidation, the law being invoked to silence the leaders and get them out of the way. As it was, the men suffered imprisonment, anxiety, and worry, and it caused the unions great expense. The action of the employers, however, revived the waning enthusiasm of the masses, and money

again poured into the coffers of the operatives' committees.

18. *The Struggle Continued.*—The events recorded did not tend towards conciliation or favour a settlement by compromise or otherwise. The employers decided to adjourn meetings for three months; the operatives replied by adjourning for six months. Pique and passion overmastered prudence on both sides. All efforts at mediation had failed. Might was pitted against might. It was a trial of strength on either side; but the operatives tried their best to bring about a settlement, while the employers did not. Unconditional surrender was the motto of the masters in that memorable contest.

19. *Submission of the Operatives.*—The end was hastened in an unexpected way. The Stockport employers resolved to take off the 10 per cent. which they had conceded, and revert to the old rates—1847–53. The Stockport operatives struck. Funds to the Preston committees fell off, the weavers had to borrow £500. Then the throstle-spinners gave in, after thirty-one weeks' struggle. A dispute as to funds with the card-room hands hastened their submission. The weavers then decided to surrender. The spinners tried to continue the struggle, but an importation of men from Glasgow caused them also to give way. Thus ended the Preston strike and lock-out after a stern contest of seven months.

20. *Cost of the Preston Strike and Lock-out.*—The total contributions to the several committees was £105,165 12s. 9d. This amount was disbursed by the eight committees representing the branches of the cotton industry involved, thus: Weavers, £67,751 19s.; Spinners, £19,839 8s. 1d.; Card-room Hands, £9,904 16s.; Throstle-spinners, £2,476 15s. 9d.; Power-loom Overlookers, £2,079 12s. 9d.; Mill Warpers, £170 6s. 5d.; Machine sizers, £854 8s. 4d.; Cloth-workers, &c., £192 4s.; Amalgamated Committee, £1,896 2s. 4d. London subscriptions were mostly sent through a Trades' Committee, sitting at the Bell Inn, Old Bailey, but some sums were sent direct to Preston.

CHAPTER XIII

LABOUR MOVEMENTS AND STRIKES IN THE FIFTIES.—II.

Boot and Shoemakers and Colliers.

THE space occupied by the story of the Preston strike and lock-out has far exceeded what was originally intended. The pleas in justification are: (1) The extensive area covered—nearly the whole of the cotton districts of Lancashire; (2) the vast numbers affected, directly and indirectly; (3) the issues involved —nothing less than the right to combine, in the first place—a right which the employers exercised to the fullest extent, yet denied to the operatives. It was a great and wealthy combination of capital against labour, the rich and the poor in deadly conflict, the one for undisputed authority, the other for the means of existence. When the masters saw that even privation could not succeed, they thought that starvation would: hence the Poor Law Guardians were restrained from giving relief. Then followed the prosecution of the leaders, which was abandoned in the end. The law was invoked to suppress public meetings and to prevent the selling of songs and other literature in the streets. The operatives had not only to contend against the powerful influence of the masters, individually and in combination, but also against the local authority, advised by a Town Clerk in the pay of the masters as their professional adviser. It needs no clairvoyant sense to perceive how easy it was for the Town Clerk to influence the mind of the Home Secretary as to

the necessity for a military force, for the increase of the constabulary, for the suppression of public meetings, and for reading the Riot Act on occasion, if deemed desirable.

1. *Strike of Boot and Shoemakers*, 1857–59.—This was a strike against the introduction of machinery in the manufacture of boots and shoes. Various efforts had been made to utilise the sewing-machine for "closing" the "uppers" in this branch of trade, and in 1857 a machine for that purpose was introduced and worked. The craftsmen of London, where the best work was done, and in some towns in the North, offered no serious resistance to the machine, although the "closing" and "binding" branches felt alarm at the appearance of the little stranger as a competitor. In Staffordshire and Northamptonshire opposition was more manifest, and resistance was determined upon. In November, 1857, one of the new machines was introduced into Northampton. The operatives were excited and alarmed. An open-air meeting was held, attended by large numbers. The speakers predicted the ruin of the trade, lack of employment, and lower wages to those in work. At a second meeting, held in the Milton Hall, it was resolved to resist the use of the new machine. A deputation was appointed to wait upon the employers, in order to ascertain their intentions. Some expressed themselves as indisposed to introduce the machine unless compelled to do so by the competition of houses where it was in work. A few, it is said, rather encouraged the men in their attitude of resistance. This is not unlikely, as the smaller masters would hesitate, for various reasons, to adopt a new machine the capabilities of which had not been extensively tested. Masters are human, and they are as timid with regard to new methods as the men, and are often as disposed as the latter to throw obstacles in the way of improved methods of manufacture.

2. *Opposition to Machinery.*—At a further meeting, held on November 11th, it was resolved that "no work should be made up for any employer who supplied machine-prepared tops," or "uppers"; those at work at

the two establishments where such machines had been introduced were called upon to cease work, and most of them did so. The operatives tried to make the strike general, and sent delegates to all the outlying districts to enlist the sympathy and support of all engaged in the trade. Some of the men in the two firms alluded to, and also in a third engaged in the manufacture of boots and shoes, the uppers of which were machine-made, declined to join in the strike, and some from the neighbouring villages were attracted to the shops on strike by offers of higher wages. For four months—November and December, 1857, and January and February, 1858—the operatives appeared to be on the road to success. Meetings were held in all the chief centres of the boot and shoe industry in the Midlands, and the operatives were organised into unions, for up to that date little had been done in the way of organisation beyond mere local "benefit clubs." In April, 1858, success had so far crowned their efforts that the "Northamptonshire Boot and Shoe Makers' Mutual Association" was established—"to prevent the introduction of machinery into the trade, and to protect, raise, and equalise wages as far as possible." The influx of members was great, and the union formed gave increased power to the leaders in the contest. But the shops struck against did not close. A number of hands were obtained, and some of the "tops" or "uppers" were sent to other towns at a distance to be made up.

3. *Conduct of the Strikers.*—It is reported that some intimidation was resorted to in the course of the strike, especially in April and May, 1858, and some cases were brought before the local justices, but there were no serious cases of personal violence. Hooting, yelling, and the use of the word "scab," to the non-strikers, were the offences chiefly complained of.

4. *Number of Apprentices and Age Limit.*—The strike dragged on during the summer, and the funds for the support of the men fell off. Meanwhile the question of apprenticeship arose; the union desired to restrict the

number for any one man to two. It was further resolved that no person should be allowed to learn the trade after he had reached seventeen years of age. These restrictions caused a partial split, for the taking of apprentices, or learners, had largely extended in most districts. Two brothers named Plummer fought out the question of age; one—John Plummer—became well known as a writer on this and other labour questions. After an acrimonious opposition to Japheth Plummer being allowed to work at the trade, the Kettering branch of the union withdrew its opposition, the members generally showing sympathy with the man.

5. *Proposed General Strike.*—In October the operatives evinced their disappointment at the prolongation of the dispute by resorting to a desperate, in no sense a prudent, measure. At a delegate meeting it was resolved that the entire body of operatives should pledge themselves "not to work for any employer who may either now or at any future time give work to those or any of those who may continue at work for the shops on strike after October 16, 1858." This was aimed at the men who refused to join the strike, or "went in."

6. *Illegal Action of Labour Leaders.*—The resolution adverted to, and also the names of all the persons alluded to therein, were printed and a copy was sent to every boot and shoe manufacturer in the county of Northampton. Fortunately no legal proceedings were taken in this case, or the consequences might have been deplorable to all connected with the strike, for the action of the leaders, the delegates, and the whole body of the union had openly violated the 6 Geo. IV., c. 129, in a manner quite unprecedented.

7. *A Case of Wages.*—There arose a dispute as to wages in Kettering. One firm gave notice of a reduction in the price of making up some descriptions of shoes. The men struck and applied to the branch for strike pay. The Central Executive at Northampton refused to grant it, and thereupon the Kettering Branch seceded. That and other internal disputes increased the difficulties of the

union as to the introduction and use of machinery in the manufacture of boots and shoes.

8. *General Strike of Operatives.*—The strike continued all through 1858, with very little change. In February, 1859, the chief manufacturers in the counties of Northampton and Stafford, announced their intention of using machines, or making up the tops and uppers supplied by those who did. In Stafford seventeen of the larger employers pledged themselves not to employ fresh hands if the Northampton men struck in consequence of the above decision. The operatives tried to induce the Stafford employers to rescind the resolution adverted to, but failed. Then they resolved upon a general strike against all shops wherein machine-made tops or uppers were introduced. It was now a contest for mastery on both sides—employers for the free use of machinery, operatives for its prohibition.

9. *Failure of Strike.*—At the date of the strike many of the boot and shoe firms in Northampton and Stafford did not use machines themselves, but purchased the uppers so produced and "made them up." They resented the attempted restriction. The effect of such a system would have been to limit the work of the workpeople to certain classes of manufacture, which would have been disastrous alike to employers and employed; but it failed. The general strike only lasted two or three weeks, for funds came in slowly and inadequately. Many of the operatives migrated to other centres, the number being estimated at 1,500. When the strike was over many of those who returned home found their places filled by strangers. The appeal to the other trades for support was not very successful, but the engineers contributed, though the strike was against the use of machinery.

10. *Strikes against Machinery Futile.*—Everybody now admits that strikes against machinery are futile and, what is more, impolitic, and, economically and industrially, wrong. Then, many of the operative class regarded all such inventions as enemies to labour. The boot and shoe operatives of to-day would laugh to scorn any

proposal to return to the old hand-sewn system, on the "seat," at home. Thousands more are now employed, at better wages, for shorter hours, in well-ventilated, healthful workshops. The attempt to limit apprentices also was a mistake, and equally so the attempt to fix an age limit at which persons might enter the craft. The dispute lasted nearly eighteen months: it occasioned a good deal of suffering, and cost a lot of money. The failure of the operatives is not to be deplored: what is deplorable is that they were not better led, by men more far-seeing as to the objects aimed at and as to the inevitable results.

11. *Coal Strike and Lock-out*, 1858.—The strike of coal-miners in West Yorkshire in 1858 did not originate with a union, as such strikes usually are said to do, but the dispute itself originated the union. The coal owners had formed an Employers' Association long prior to the dispute in 1858. It existed in 1844, if not at an earlier date. In that year a strike took place for an advance in wages, which ended disastrously for the men. From the close of that strike the wages of the men did not advance until 1853. It is said that the general price of coal did not advance in that period, though there were fluctuations. According to two authorities, colliers' wages were about 4s. per day for nine hours' work; Mr. Holmes, on the part of the men, declares that the rates were 3s. 6d. per day for ten hours' work. Doubtless both were right—the employers took the highest rates, the miners' representatives the lowest; so that from 3s. 6d. for nine hours to 4s. for ten hours were the minimum and the maximum in West Yorkshire from 1844 to 1853. In January, 1854, the men alleged that the price of coal at the pit's mouth went up from 5s. to 8s. 9d. per ton; an employer alleged that the price had risen only from 4s. 7d. to 6s. 8d. per ton at the pit. The discrepancies could no doubt be explained by an elaborate statement and figures, but this is not required. The employers' figures then most quoted, and relied upon, admitted a rise of 45 per cent. from 1850 to 1854. A coal merchant well known

and in a large way of business asserted that the rise was equal to, or more than, 90 per cent. The mean would therefore be about 62½ per cent. advance from 1844 to 1854, when the dispute arose as to wages. The system of calculating by percentages requires explanation.

12. *Dispute as to Wages* versus *Prices.*—If we take the employers' statement that the wages were 4s. per day, and the men's allegation that the rate was 3s. 6d. per day, the mean would be 3s. 9d. per day. If the men on the average got three tons per day the wages would be 1s. 3d. per ton. The average output per man was, however, above three tons at that period. Well, the employers alleged that they gave three advances in 1853–54, which, in the aggregate, amounted to 30 per cent., and they admitted an advance in prices of 45 per cent. Now 30 per cent. on 1s. 3d. per ton would be 4½d., whereas 45 per cent. on the basis of the mean of from 4s. 7d. to 6s. 8d. per ton, as acknowledged by employers—mean 5s. 7½d. per ton would amount to an advance of over, say, in round figures, 2s. 3d. per ton. The figures given at the date of the dispute varied considerably, but an employer, whose figures were most relied upon, states that hewers' wages were 1s. 3d. per ton, the cost, including other wages, 2s. 5d. per ton. Without attempting to reconcile the different sets of figures, the fact remains that, even were the advance in wages and in prices equal—say 30 per cent., the one is reckoned on 1s. 3d., the other on 5s. 7½d.—so that the difference in amount is material. There was, moreover, a set-off in favour of coalowners in the varying classes of coal.

13. *The Employers' Association.*—In the dispute which arose in 1853–4 it was supposed that the Masters' Association was formed in 1853. Mr. Briggs, who was one of the leading employers connected with the dispute, asserted openly at Bradford that it had existed for thirty years. The objects of the Association are stated to have been "for the regulation of prices, weights, and other matters connected with the coal trade," including "legislative enactments affecting collieries, and rules and regulations as to the working of coal mines."

14. *Employers' Resolve to Reduce Wages.*—The first intimation of a reduction was given in the *Leeds Mercury* on March 17, 1855, by the publication of a series of resolutions passed by the coalowners at a meeting held at the Wellington Hotel, Leeds, on March 13, 1855, as follows: (1) "That a reduction of 1d. per day be made on colliers' wages; (2) of 1½d. per day on hurriers' wages; (3) of 1s. per week on byworkmen's wages; (4) that the resolution not to employ each other's men without note remain in force; (5) that a reduction in topmen's wages take place, date to be left to the discretion of employers; (6) that no reduction take place in the price of house-coal till a meeting be called." Numbers 4 and 6 are significant, especially the latter. It was resolved to make the reductions forthwith, to commence at and from the next week's earnings. Owing to the threatened resistance of the men the reductions did not then take place, except in a very few instances.

15. *Notice of Reduction Given.*—Later on a further reduction in the price of coal led to a decision to reduce wages 15 per cent., equal to one-half the amount stated by the employers to have been conceded to the men. On, it appears, February 19, 1858, notices by one firm were given of the proposed reduction; concerted action by all employers followed in March. The notice was signed, March 18th, to expire at the end of twenty-eight days. It was pointed out at the time that the actual reduction proposed was 18½ per cent. on the then wages, or three-fifths of the total, instead of one-half. But it seems that many of the employers regarded the reduction as one-half only, and acted upon that proportion, the real reduction being in accordance with that view. Singularly enough, in one district, there was an advance in wages, not a reduction—an indication that such a step was at least doubtful.

16. *The Strike, and a Compromise.*—The men determined to resist the reduction, and struck, selecting certain collieries. The employers thereupon determined upon a lock-out. The number who struck was about

800; this was increased by the lock-out to about 3,200 men and boys. After a time arbitration was proposed by the Vicar of Leeds and others; the men agreed, but the employers refused point-blank, and would not see a deputation from the men to discuss terms. At the end of September one of the coalowners compromised with his men for 7½ per cent. reduction, without any stipulation as to supporting the union or the men on strike. Other employers soon followed, and the strike and lock-out ended after about six months' struggle at an all-round reduction of 7½ per cent.

17. *Other Miners' Strikes.*—There were other strikes in the Yorkshire coalfields at the same period, also a lock-out in South Yorkshire. But it appears that the men were able to resist even the reduction of 7½ per cent. However, within a year the men in West Yorkshire recovered the reduction.

18. *Cost and Conduct of the Strike.*—The conduct of the men appears to have been orderly from first to last. There were no riotous scenes, no intimidation. The cost was estimated at £100,000, of which £53,725 4s. 1d. fell upon the men; loss in wages £45,720, and subscriptions to those on strike £8,005 4s. 1d. As the price of coal kept up, owing to cessation of production, the losses to employers were not so great in proportion to those suffered by the men.

19. *Formation of Miners' Unions.*—As an outcome of the strike and lock-out the miners established a permanent union, which organisation, passing through many vicissitudes, continued to exist until remodelled in later years; subsequently it became the Yorkshire Miners' Union, and is now part of the Miners' Federation, which it originated.

CHAPTER XIV

LABOUR MOVEMENTS AND STRIKES IN THE FIFTIES.—III.

STRIKES and lock-outs were so prolific in the fifties, and the numbers involved were so large, that further examples are required to fully understand the trend of trade-union movements, and to appreciate the great issues that were at stake. In reality it was on the part of trade unions a struggle for existence as corporate bodies, if indeed the word "corporate" could then, or even now, accurately apply. It was a period also when workmen were struggling for a living wage. Trade unions were no longer forbidden by the Statute Law, but there was a widespread design among employers to crush them out by the weight of their own combinations and length of purse, and of using, as far as might be, the strong arm of the law to cripple their action and resources, and thereby render them powerless for the advancement or even defence of labour. In all the great strikes previously dealt with the abandonment of the union was more or less insisted upon by the employers; that object in all cases failed. The law was only seriously invoked at Preston, and there it failed in achievement; but, so far as it was set in motion, it helped to defeat the men.

1. *The Weavers' Strike at Padiham*, 1859.—To understand this dispute it is necessary to explain that, at the date of the strike, it was a small manufacturing town in what is known as East Lancashire, Blackburn being its chief centre in the cotton industry. In the latter

town there had long been a powerful and well-managed Operatives' Union, and also a strong Association of Employers. The two associations had so far worked amicably together that lists of prices for various descriptions of work had been mutually agreed upon, and were known as the Blackburn Lists. Four such lists existed in 1852–3 as follows: (1) Spinners' List, agreed to October 1, 1852; (2) Loomers' List, agreed to July 6, 1853; (3) Winders, Warpers', &c., List, agreed to August 17, 1853; (4) Weavers' List, August 17, 1853. Those lists formed the basis of calculation in the event of disputes.

2. *The Blackburn Lists of Rates.*—The Padiham weavers recognised the Blackburn Lists, for it was stated in rules of "The East Lancashire Amalgamated Power-Loom Weavers' Association," established shortly before the strike, that "the objects of this Association shall be to keep up our present rate of wages to the standard list." During a depression in the cotton trade two firms in Padiham reduced the weavers' wages. The other employers did not do so; the operatives in those two firms consequently resented it, and held meetings to protest. They were told, however, that when trade revived the amount would be restored. Upon its revival this was not done; on the men protesting, they were offered one-half instead of the whole amount. The wages in Padiham at that time was below the Blackburn List, some said, to the extent of 12½ per cent.—at least the rates were 10 per cent. below those at Blackburn. After some negotiations, without success, the operatives served the employers with notices, sending therewith the lists of the various prices they required. A public meeting took place in the Assembly Room, and several employers spoke thereat. The latter, it would appear, were ready to offer an advance of 10 per cent., only 2½ below what was demanded. Some opposition to two employers present caused an uproar, and consequently the terms were not disclosed.

3. *Small Amount in Dispute.*—As was subsequently shown, the actual difference between the operatives' claim

and the employers' offer, which, though not made known at the meeting referred to, was published in the *Blackburn Times* a day or two afterwards, was only 2½ per cent. The employers urged that they were entitled to that difference for local reasons given. But to the operatives the amount appeared to be greater, hence their action. The details of the differences are of such a technical character that they need not now be entered into—indeed, it would occupy more space than the subject would be worth. Apart from extra cost of carriage, and other matters urged by the employers, the measurements of loom, &c., and difference in quality of material used, were such that the Padiham employers had a rightful claim to some set-off. For example, the Blackburn weavers used warps spun by mule, the Padiham weavers warps spun by throstle. The former were more brittle, liable to breakages, consequently to stoppages, than the latter. Unfortunately the question of the union came in. The employers objected to the union secretary's interference. The latter denied some of the allegations made against him, but being the operatives' mouthpiece, he was therefore not a favourite with employers. The fight, however, was not in this case against unionism *per se*.

4. *The Strike—each side Explains.*—As negotiations failed, the hands at six mills went out on March 17, 1859. Only about 943 struck work, many of whom were youths and girls. A Masters' Defence Association was forthwith formed, which contributed 2s. 6d. per loom per week in support of the Padiham employers. In this way between £6,000 and £7,000 were subscribed. The employers' case is put at some length in a circular dated June 4, 1859; also in a lengthy letter to the *Times* dated August 8th. To the latter the secretary to the operatives replied in a letter dated August 14th. Each party put the case as they saw it, from their own standpoint, and each, as naturally, exaggerated or softened, according to the views entertained. Other matters were imported into the dispute, some by the operatives, some

by the employers, all doubtless done in good faith, but the effect was irritating and delayed a settlement.

5. *End of the Strike.*—The beginning of the end came in a curious way. One of the employers had his looms measured by his own hands, and settled the dispute on that basis. This was placarded, when the employers replied that their offer had been on the same basis. The difference faded, but the struggle continued. Effects at conciliation failed. At last, on August 9th, a Committee of Blackburn employers was elected to investigate the matters in dispute. They did so, heard a deputation from the operatives, and reported, recommending conciliation in a generous spirit. The report entered into minute details, the outcome of which was to justify the employers' offer. While the discussion was going on an old measurement list was discovered, which practically coincided with the Blackburn report. The result was that the strike came to an end after six months' duration. Even then a protest was made on the part of some of the Padiham men. But the Blackburn men threatened to cut off supplies if the strike continued.

6. *Cost of the Strike.*—The strike cost about £11,334 12s. 1d., of which £10,380 11s. 5d. was sent to Padiham. The remainder was expended in meetings, printing, collection of funds, officials, and general cost of management.

7. *Strike of Flint Glass Makers,* 1858-9.—"The United Glass Makers' Society" was established in 1844. The rules were revised at a conference held in London in June, 1858. The society provided benefits for unemployed members, superannuation, and other benefits from its formation. Upwards of £20,000 had been spent prior to the strike of 1858, mostly as unemployed benefit, £2,000 of which were spent during the Crimean War, and £3,000 in 1858, the year of the Indian Mutiny, though there were no strikes, only "fluctuations in trade." During those fifteen years the union contributed liberally to the chief strikes and lock-outs in other trades, and also to the National Association of Trades' Unions" in its

efforts to promote arbitration or conciliation in the case of labour disputes. The rules provided for a minimum wage, ranging from 14s. to 24s. per week according to grade, and also as to the proportion of apprentices to the number of journeymen.

8. *Origin of Strike—Apprentices and Wages.*—The strike originated in the attempt of a manager to employ an apprentice as a journeyman footmaker at a lower rate than 14s. per week. The men objected, and upon the employer refusing to pay such wage the men gave in their notices on October 12, 1858. The employer replied with another notice on the 16th, and on the 23rd they ceased work. This was at Stourbridge. A dispute also arose as to the number of apprentices at another factory in the neighbourhood—there also the notices expired on October 23rd. The men were in union, and were entitled to from 10s. to 15s. per week strike pay; the masters had no union. But on October 16th the two employers involved sent circulars to all other employers, requesting them not to employ those on strike in the interests of the trade generally. These circulars had the desired effect.

9. *Extension of Strike and a Lock-out.*—The men, in retaliation, decided on November 15th to strike at two other factories, and so on in detail before resorting to a general strike. Power was given to the Committee to adopt either alternative on the day following. Thereupon the employers resolved to form an association of all the glassmakers in the districts of Birmingham, Dudley, and Stourbridge, the rules of which were agreed upon, dated November 16, 1858. The men resolved to attack the employers who aided the firms on strike by supplying them with goods at cost price or otherwise, and thus the struggle became general, the Workmen's Union on the one side, the Employers' Association on the other. The latter at once declared war against the union, and on January 1, 1859, the men were locked out from seventeen factories, seven only remaining open and at work. The employers endeavoured to induce all other employers in

the kingdom to do likewise. In March about 1,100 men were locked out; the dispute had in fact become national. The condition of re-employment was a written declaration by the operatives to give up the union, and not to contribute to those on strike. The men doubled their subscription, and even proposed to start a factory of their own; nevertheless they tried to conciliate by a revision of their rules, a copy of which was sent to every employer. At first the employers would listen to no terms except a renunciation of the union.

10. *Settlement of the Dispute.*—Later on the employers notified acceptance of the new rules subject to some modification. They were modified accordingly, and were agreed to at a conference of both parties on April 4, 1859. The men depended mainly upon themselves for support, by high rates of contribution, and the acceptance of promissory notes, bearing 5 per cent. interest when the struggle was over. All these, to the extent of £2,000, were redeemed.

11. *Chainmakers' Strike*, 1859-60.—The circumstances leading up to this strike were peculiar, and require some explanation. The chief centres of the chain-making industry were at that date in Northumberland and in the Midlands; but there were also considerable factories in Wales and Scotland—mostly in or near Glasgow. In the Midlands the chief seats of such industry were at Cradley, Dudley, Walsall, and Wolverhampton; but it was carried on at other places. It is estimated that the number so employed in 1859 was about three thousand. In the Newcastle-on-Tyne district the men had a strong, well-organised union. The trade was a flourishing one, high wages were paid, and the best chains were made in that district. The union at that time published *The Chainmakers' Journal and Trades' Circular*, the issues varying from 500 to 1,100 per month. In the Midlands an inferior class of chains were produced, and the men were paid a lower rate of wages. The local "community of chainmakers" was not a thriving one. They had no trade combination worth mentioning; what little there was consisted of

local clubs, limited in numbers, in resources, and purposes, chiefly social and convivial.

12. *Friendly Action of Newcastle Union.*—In the early part of 1859 it became known to the Newcastle Union that the chainmakers in the Midlands were in a very depressed condition, whilst the trade in the north was flourishing. The Newcastle Union thereupon resolved to send a deputation to the Midlands to inquire and report. It was a purely voluntary act, as the men had no bond of union, except that they worked at the same trade. The deputation left Newcastle on April 10, 1859, and visited the whole of the Midland districts, also Wales and Glasgow, several meetings being held during the visits at the chief centres of the chain-making industry.

13. *Test of Quality of Chains Advocated.*—Their report, in brief, specified four evils requiring immediate remedies. They were: (1) Employment of women in chainmaking; (2) long hours of labour; (3) manufacture of inferior chains; (4) want of a general union among the chain-makers. A protest was made in their journal against the employment of women, but no other steps were taken; and all subsequent efforts failed in this respect. The scale-rates of work in operation in one large factory at Gateshead was advocated as a basis to apply to all factories in the North of England absolutely; and in the South with as little delay and modification as might be necessary under the circumstances. As regards the manufacture of inferior chains, the journal took a bold step—it urged upon all connected with the shipping industry the absolute necessity for a public test, in the interests of safety of human life and property, with a duly qualified inspector to take charge of the machine and certify as to the result. An important and well-considered circular on this subject was issued "to the Directors of Marine Insurance Associations, Merchants, Shipowners, Captains, &c.," dated June 3, 1859, signed on behalf of the operatives.

14. *Organisation—Charge of Rattening.*—With respect

to the want of combination among the chainmakers of Staffordshire, the Newcastle Union urged in their journal the formation of societies in all localities, and sent delegations to organise such in the various districts. They found the men depressed and generally dissatisfied. At one factory at Lye there was a strike which had already lasted two months. The origin of that strike was as follows: In the middle of February, 1859, the bellows of three workmen, to the value of £25, were destroyed. The employers accused the members of the union of the outrage, and required the union to make good the damage. The officials of the union solemnly denied all knowledge of the affair, but it appeared that the workmen whose bellows were destroyed had given offence to the union—two by non-payment of levies, the third by refusing to join the union. The employers insisted upon the damage being made good, and, further, that the men should contribute to a special guarantee fund to repair the damage done to any other property. The men thereupon struck. There was a divergence of opinion at the time as to the precise issue; the union officials declared that they were willing to make good the damage in the particular case, but objected to a permanent tax. The employers declared that they would not have insisted upon the tax if the union had paid for the actual damage done. Apart, however, from the matter mentioned, the men at this factory complained bitterly of deductions from wages in charges and fines. This was not an unusual thing at that date, nor for long years subsequently. The men struck on February 21, 1859, to the number of nearly a hundred. The men of the North contributed at first £5, then £10 weekly during the strike, which ended in July after over four months' duration, the men being taken back unconditionally.

15. *Deductions in Wages, and Resistance.*—The strike above alluded to was local. There were others in May and June against employers supplying chain to the firm on strike. Then a dispute arose at Cradley as to charges for carrying the iron, which the men resisted, imposing a

fine of 10s. upon any member of the union who submitted to a reduction of wages for carriage, &c. The wages of the men in 1844 only averaged about 10s. per week. By spasmodic union efforts wages rose to nearly double by 1854, after which they receded to nearly the 1844 level. The unions decreased in numbers, and then ceased to exist. Again they attempted to reorganise, but in 1858 they were still weak. In July, 1859, a general delegate meeting was called to consider the desirability of an advance upon what was called the 4s. list, and also the 5s. list. On July 23rd notices were given to employers that the men would require the advance from August 6th. The employers held a meeting, and resolved neither to accept the notice nor concede the advance, and on August 6th the men left work.

16. *Breach of Contract—Prosecutions and Appeal.*—The employers—represented by two firms at Stourbridge and one at Chester—took out summonses for breach of contract—leaving work without notice—on the ground that they were not bound to accept notice from a person not in their employ. On August 12th the case was heard by the Stourbridge magistrates, one of whom was a chain manufacturer,[1] who declared that the men were not justified in leaving work. No sentence was passed in this case; but in another case two men were sent to prison for fourteen days and ordered to pay 8s. 6d. costs and have £4 deducted from their wages. An appeal was entered, when the court held that the conviction was wrong, as the men acted *bonâ fide*, the notice given being held to be good.

17. *Quibbles as to Nature and Extent of Differences.*—The dispute as to prices and wages was often acrimonious, and the figures given on either side vary considerably. The employers offered to give a certain advance, on August 29th, if the men would work out a fourteen days' notice on the old rates. This the men refused to do,

[1] This was in violation of the provisions of the Act 6 Geo. IV., c. 129.

holding that their secretary's notice was valid, as, indeed, it was declared to be later on, when the appeal was heard in the Court of Queen's Bench. There was also a dispute as to the nature and value of the employers' offer in the formulated list.

CHAPTER XV

LABOUR MOVEMENTS, STRIKES, AND LEGISLATION IN THE SIXTIES.—I.

WE are now on the eve of the sixties. The movement first to be described commenced in 1859, but in its general character and results it essentially belonged to the sixth decade of the nineteenth century. The sixties entered upon wider development of trade unionism. There were some new departures and an extension of the old lines, and also a broader application of the term "unionism" to conditions more or less new. The isolation that had for so long a period kept the labour leaders apart was once again to be broken down, and thenceforth unionism was to mean not only the gathering together of men into unions in the trades to which they belonged, but it was to become a union of unions for common purposes—"defence, not defiance" being the motto. The idea of a consolidation of all unions into one huge body was practically abandoned. The experience of attempts of this kind in the thirties, forties, and fifties had shown its utter impracticability. The aim was much the same, but the means to the end were different. Absorption was found to be futile; but it was possible to co-operate on independent lines, each union managing its own affairs, and yet supporting general principles in cases of emergency. No grand scheme was formulated, but the leaders of the unions were drawn together, and certain of the unions followed their leaders as a matter of course. It was a growth, slow at first, but

expansive. As a result there followed important developments, some of which are as yet only partially realised, and these only after years of work, sometimes followed by periods of reaction.

1. *The Builders' Strike and Lock-out*, 1859–60.—As before mentioned, the building operatives of London were the first to endeavour to reduce the working hours, by one and a half per week on Saturdays. In 1859 a movement was initiated for "a nine-hours' day," but in reality it did not mean a reduction of six hours per week, only of four and a half hours per week—that is, from 58½ hours to 54 hours per week. The idea was favourably received by all the branches of the building trades, but by the employers it was bitterly opposed. The public also evinced interest in the discussion. Fast and furious was the onslaught upon the leaders who had dared to ask "for ten hours' pay for nine hours' work." The reply was, and is, that the men had as much right to a reduction of working hours as to an increase of wages, if the state of the labour market was at all favourable to any enhancement in the value of labour. Then, however, it was regarded as a monstrous thing, and the leaders in the Nine Hours' movement were held up to ridicule in *Punch*, were denounced in the *Times*, and in other London newspapers; they were censured in Parliament, on platforms, in pulpits, and in the meetings of "learned societies." Defenders of the men were few, but not insignificant. During the strike and lock-out, and the subsequent introduction of the Hour System, such men as Thomas Hughes, Frederic Harrison, J. M. Ludlow, Dr. Congreve, Professor Beesly, Professor Charles Neate, Professor Cairnes, John Stuart Mill, and many others supported the men, and thus took the sting out the philippics against the leaders.

2. *Origin of the Nine Hours' Movement.*—The idea of initiating a movement for the reduction of the hours of labour originated with the London masons in 1853. It made slow headway, but it was constantly kept to the front and was often referred to at anniversaries, suppers,

and such like functions as a thing to be aimed at and striven for. In 1857 the carpenters and joiners of London took up the question, and in the autumn of that year, a delegate meeting was called of representatives of the then local unions and of some fifty from the leading building firms to consider the question. On January 12, 1858, it was resolved to act, and on June 23, 1858, an aggregate meeting was held in Exeter Hall, when it was unanimously agreed "to agitate for the reduction of the working hours to nine per day." Thereafter the agitation was known as the Nine Hours' Movement. The bricklayers, masons, plasterers, and painters soon gave in their adhesion, and deputations were appointed to wait upon the master builders, to urge the concession of 4½ hours per week, leaving work on the first five days at five o'clock, instead of 5.30 as was then the practice. As a rule the deputations were either rudely answered, or the letters requesting an interview were treated with silent contempt. This was not an unusual thing at that date. But some of the employers went further—they discharged men in their employ who formed part of the deputation. This was done in several instances before the operatives decided to retaliate. Dismissal was not uncommon in cases where a man became the spokesman for his fellows. The man selected to represent his co-workers was usually a marked man, and if he were not discharged, he was driven to the extremity of leaving by annoyances which unsympathetic foremen knew how to inflict.

3. *Strike at Messrs. Trollope's.*—Retaliation was precipitated by the action of Messrs. Trollope and Sons, Pimlico. A deputation of their own men waited upon the firm to respectfully urge them to concede the nine hours. A prominent member of that deputation was a much respected member of the Masons' Society, and this man Messrs. Trollope at once discharged. Thereupon (July 21st) all the masons at Messrs. Trollope's job at Knightsbridge resolved to strike, unless the dismissed man was reinstated. The firm refused to

reinstate him. Then the carpenters and joiners, bricklayers, plasterers, painters, labourers, &c., made common cause with the masons, and struck work. But the demand was extended. The firm was not only asked to re-employ "the unjustly discharged mason," but to reduce the working hours to nine per day. Both demands were refused, and the strike became general on July 25, 1859.

4. *Constitution of Conference of Trades.*—It was apparent soon that the struggle would be severe and prolonged. The principal master builders of London made common cause with Messrs. Trollope, endorsing their action as to the discharge of the men's representative as well as their refusal to grant the nine hours. The building operatives had also made common cause. It was resolved to constitute a general committee of all the branches of the building trades by the name of "Conference of the Building Trades." Here, then, were two great industrial forces in conflict—the master builders of London in association, and the whole of the operatives in all branches of the building trades, the various unions of which were represented at the central body termed a "Conference." Each union managed its own affairs, and supported its own men, the contributions by the Conference were extra, being in addition to the strike pay of the several unions.

5. *Lock-out of Operatives.*—In order to defeat the men and cause a withdrawal of their demands, the master builders' Central Association declared a lock-out, which took place on August 6, 1859. The total number of building firms which closed their establishments was 225, the total number of men participating in the first Conference dividend was 9 812. But there were many hundreds of men who never applied to the Conference for assistance, some being supported by their own unions, and some not, many being non-society men. The highest rate paid by the Conference in any one week was 6s. per head, the lowest 1s. 1d. per head. But the Conference did much more than merely collect and

distribute funds; it organised meetings, sent deputations to all parts of the country, and prevented, as far as possible, an influx of operatives from country towns and villages to take the place of those locked out. It was the propagandist body of the Nine Hours' Movement.

6. "*The Odious Document.*"—The Master Builders' Central Association, in deciding upon the lock-out, introduced a new element, known at the time as the "Odious Document," which was "a written pledge," by the operative, "not to belong to any society which in any way, directly or indirectly, interfered with the rate of remuneration, the hours of work, or any other arrangement between employer and employed." Thus the struggle was no longer one for the reinstatement of a discharged man, or a question of Nine Hours, but really involved the right of association on the part of the men. The master builders reserved the right to have their Central Association, but denied to the operatives the right to be members of trades unions. In this case, once again, vaulting ambition o'erleaped itself. The effect was to strengthen the unions, not to weaken them.

7. *Abandonment of the Document.*—The master builders were astute in their action, and it served a purpose; but it was not defensible. Conbinations were declared to be lawful by statute, so long as the members thereof did not violate the conditions imposed. In this instance no overt act was alleged. The condemnation of the Document was so pronounced that, in a short time, it was changed from a "written pledge" to a "declaration" not to belong to a union, given verbally. In order to defeat the Document, the Conference, on November 9, 1859, ordered the strike at Messrs. Trollope's to be withdrawn. The original demands being annulled, the struggle was concentrated upon the withdrawal of the "Odious Document," and financial assistance was liberally given by the trade unions of the country to that end—the Amalgamated Society of Engineers alone contributed nearly £3,500, £3,000 of which came from the central office in London. The engineers had passed

through a similar experience in 1852, and therefore their sympathy and support was given. On February 7, 1860, the Central Association of Master Builders agreed to the "unconditional abandonment" of the Document and Declaration.

8. *Cost of the Struggle.*—The total receipts by the "Conference of the United Building Trades" was £23,065 6s. 6d., the total expenditure, as per balance sheet, dated the 7th day of May, 1860, was £22,747 2s. 10d., leaving a balance in hand of £318 3s. 8d., which balance was further reduced by subsequent expenditure connected with the dispute and matters arising therefrom. This first great strike to reduce the working hours failed, as did the employers' efforts to break up the unions. All efforts at conciliation failed, and those who suggested it were roundly abused by employers and generally in the Press.

9. *The Hour System and Saturday Half-Holiday.*—The termination of the strike at Messrs. Trollope's, and the subsequent ending of the lock-out, by the withdrawal of the Document and Declaration, did not finally dispose of the dispute. "The Master Builders' Central Association" devised a method of paying by the hour, so as to get rid of the agitation for a nine-hours' day. The recognised trade-union rate of wages per day was so adjusted as to fit in with the hour system of payment, the actual sum being a fraction over the old rate of 33s. per week.

10. *Strike Against the Hour System.*—The building operatives of London did not take kindly to the innovation. The system of weekly hiring was regarded as a safeguard, even when it had practically changed, in practice, to hiring by the day. The Hour System meant dismissal at an hour's notice, in any part of the day, at a time when it would be impossible to get another job to make up the full day's wage. It was therefore determined to resist the proposed change, and a strike on a large scale was resolved upon. Each branch in the building trades conducted its own affairs in this instance,

without the aid of the "Conference of the United Building Trades," or any other central committee on a similar basis. But the leaders were in frequent consultation, and, generally speaking, all sections worked on the same lines. In this case there was no lock-out; each employer endeavoured to find men as best he could, but the "Employers' Central Association" did all it could to obtain men from the provinces, and even from the Continent, to fill the places of those on strike.

11. *Reduction of Hours on Saturday.*—The strike against the Hour System was a prolonged one, all through 1861, and part of the year 1862. Indeed, it was never formally abandoned, but it came to an end by a concession on the part of the employers, and the men gradually resumed work. The employers gave what they called a "Saturday half-holiday" by ceasing work at one o'clock on Saturdays, instead of 4 p.m. In reality it was a concession of two hours, for the men worked through what had previously been the dinner hour, from twelve to one o'clock. Thus out of the 4½ hours' reduction claimed by the operatives in 1859–60 two hours were conceded, the wages being again readjusted at per hour, so that there was no real loss on the recognised weekly wages of the men. Subsequently the employers agreed to twelve o'clock on Saturdays, making the concession three hours instead of two, with another readjustment, involving no loss in wages.

12. *End of the Strike, and Results.*—The struggle against the Hour System was as bitter as it was prolonged. The leaders were persecuted and refused work for a long period afterwards, but gradually the resentment died out. The anticipated evils of the new system were not so great as expected, nor, perhaps, were the benefits to employers such as they expected The cost and suffering by the contests in the building trades, 1859–62, were great. The losses to employers and, in wages, to the men were enormous. The economical advantages may, in the long run, have compensated the men, for the Nine Hours' movement was the starting-point for other movements,

some of which have left their mark on the political as well as the industrial history of this country.

13. *Nine Hours' Conference at Derby.*—As an outcome of the strike and lock-out in the building trades of London, a Conference of representatives of the various trade unions of the United Kingdom connected with the several branches of those trades was arranged in the autumn of 1860. The Conference met in Derby on January 1, 1861, and lasted the whole week. The result of that Conference was the formation of the "United Kingdom Association for shortening the Hours of Labour in the Building Trades." The above title was chosen because some branches of these trades preferred the Saturday half-holiday to the shortening by half an hour the other five working days in the week. The Conference was unanimously in favour of the "short-hour movement," and only slightly differed as to the Nine Hours or the Saturday Half-holiday. The new association failed to evoke the requisite support, and consequently was short-lived. Perhaps the principal cause of its failure was the introduction of the Hour System in 1861, and with it, later, the adoption of the Saturday Half-holiday, which ended the dispute.

14. *Concerted Action by Labour Leaders.*—The most important result of the Derby Conference of 1861 was the bringing together of the more prominent labour leaders in the several branches of the building trades. It paved the way for concerted action in various movements which sprung out of, so to speak, the agitation for the Nine Hours: the Conference of the United Building Trades and the delegate meetings of other trades held in London in the autumn of 1859 and the winter of 1860. The Conference was convened by the "Executive Council of the United Building Trades," which continued to meet during the dispute as to the Hour System.

15. *The London Trades' Council.*—Another direct outcome of the Nine Hours' Movement was the establishment of the London Trades' Council. The delegates of trade unions not connected with the building trades met

weekly in Aldersgate, quite apart from the "Conference of the United Building Trades," and towards their close it was suggested that those weekly meetings should not cease, without an effort to constitute a permanent body. Later on a proposal was made to that effect, which was adopted. A preliminary committee was appointed to consider the subject, and to report thereon. They reported in favour of a London Trades' Council, the first members of which were appointed *pro. tem.*, and also a secretary. The trade unions that responded elected their delegates, and a meeting was called at the Bell Inn, Old Bailey, when the Council was constituted. When established the present writer was selected the first secretary to the London Trades' Council in 1860, which Council has continued to exist, without a break, to the present time. The first work of the new Council was the publication of a "Trade Union Directory," compiled mainly by William Burn, a shoemaker, and prominent trade unionist of that day. The "Directory" was not complete, but it was a marvellous production as a first effort, and was found to be extremely useful. The London Trades' Council has had a checkered career. Its first secretary was unpaid; its second—George Odger—was voted half-a-crown per week, which was not always paid. The third secretary, Mr. George Shipton, managed to get it into a better financial position; the Council paid the arrears due to George Odger, and his own salary was increased from time to time until it reached the modest competency of £150 a year. Mr. James Macdonald, the present secretary, is paid the same amount; he is the fourth secretary in forty-two years.

CHAPTER XVI

LABOUR AND POLITICAL MOVEMENTS; STRIKES AND LEGISLATION IN THE SIXTIES.—II.

THERE is a seedtime and the harvest. In some cases the harvest lingers; in others it comes quickly, according to the nature of the crop, and also of circumstances—climate, nature of the soil, character of the seed, &c.—pertaining to its development, growth, and maturity. In public movements and legislation it is the same. Sometimes fructification is early; the fruit ripens quickly; it is ready for gathering almost before its full maturity. This was the case in the sixties as regards some matters affecting the masses; but the ground had been cleared and tilled previously, and was therefore prepared to yield, should the season prove auspicious and the husbandman capable.

1. *Bakers and the Bakehouses.*—The making and sale of bread had long been subject to legislative regulation, but it had reference mainly to quality and weight. In 1821 a General Act was passed, but, for some reason or another, it became inoperative. In 1822 was passed the 3 Geo. IV., c. 106, in § 16 of which provision was made as to the hours of journeymen in the metropolis on Sundays. The amended Act in 1835, the 6 and 7 Wm. IV., c. 37, applied its provisions to the entire country, except Ireland; the latter was included by 1 & 2 Vict., c. 28, in 1837–8. The operation of those enact-

ments mainly depended upon the "common informer," who was as objectionable to the journeymen as to the masters. The provisions of the Acts were therefore infringed with impunity.

2. *Bakehouses Regulation Act*, 1863.—The Acts were again in danger of becoming a dead letter. The employers constantly set at naught the provisions as to Sunday work; the journeyman bakers thereupon took the matter up, and several prosecutions were instituted, not always with good results. The Association of Journeymen Bakers, however, did not allow the matter to drop, and, as a result of their agitation and inquiry, the Bakehouses Regulation Act, 1863, was passed. (26 & 27 Vict., c. 40). By § 3 of that Act the hours of working for all persons under eighteen years of age were regulated, and provision was made as to sanitation, ventilation, and sleeping (§§ 4 & 5). By § 6 the local authority was empowered to enforce the provisions of the Act.

3. *Parliamentary Inquiry and its Results.*—In consequence of the laxity of the local authorities in enforcing the Act, great complaints were made by the journeyman bakers, and a return was ordered by the House of Commons. In 1865 Mr. Tremenhere was appointed to inquire and report upon the working of the Bakehouses Regulation Act, 1863. His report fully justified the complaints made, more especially in the metropolis. In other large towns it was said that the provisions were fairly complied with. The reports as to London, particularly that of Dr. Ballard, showed that many of the bakehouses were so filthy as to impair the purity of the bread baked therein, besides being injurious to the health of the workers.

4. *Inspection, and Newer Measures.*—The result of the investigation and reports was that the Act was more vigorously enforced, at least in places. Power of inspection was given to medical officers of health, but the Journeymen's Society, representing 13,000 men, declared that inspection was comparatively rare. However, their action, supported to some extent by the public, caused a

stir, and inspection became more general and effective. Bakers and bakehouses are now under other Acts relating to public health, buildings, factories, and nuisances as regards smoke.

5. *Coalminers—Position and Condition.*—The mining population of Great Britain had done little in the way of organisation during the first half of the nineteenth century, but something had been done. Such unions as they had were local, and the mineowners took care, as far as possible, to render these innocuous by compelling the miners to contribute to the "benefit clubs" established in connection with the collieries. In numerous instances the coal-pits were in outlying districts—pit villages—the workers occupying owners' houses or tenements, so that they were very much under the thumb of the mineowner, or what, in many cases, was much worse, that of the manager or overlooker. At collieries near the towns they were not much better off. In general the pitmen of the better sort gave more attention to religious bodies than they did to industrial organisation. Occasionally they acted together on a large scale, but mostly for temporary purposes only.

6. *National Miners' Conference*, 1863.—Early in the sixties some of their leaders thought it time to effectually organise the men, not only in districts, but nationally, for the purposes of united action, especially in matters of legislation. The result of their agitation was the Leeds Conference, November 9th to 14th, inclusive, 1863. The prime mover in that conference was John Holmes, of Methley. Among the other notable men at that Conference were Alexander Macdonald, William Pickard, of Wigan, Thomas Halliday, William Crawford, John Normansell, William Brown, Richard Mitchell, and Rev. J. R. Stephens, who acted as chaplain to the Conference. Representatives of a newspaper called *The Miner* were also present at the Conference, and spoke; but as they were not delegates they were not allowed to vote.

7. *Formation of National Union.*—It was decided to

establish a "National Association of Miners of Great Britain," to include ironstone miners and others, as well as coalminers. The "transactions" of that conference were fully reported, and they read curiously by the light of the Mines Regulation Acts and other Acts of the last thirty years. The position of the miners and the legislation demanded on their behalf are fully set forth in that report. The resolutions dealt with accidents in mines, the Truck Act as then in force, registration of the weight of coal raised, employment of women at the pit-banks, some illustrations from photographs of women so employed at Wigan being given. The local reports presented dealt generally with the condition of working miners in most of the chief districts of the country.

8. *Results of Miners' Combinations.*—It is not an exaggeration to say that the miners of the United Kingdom owe much of the legislation of the last thirty years to the Leeds Conference of 1863. The National Association did not become a permanent institution, but it lasted long enough to see the Mines Regulation Acts of 1872 passed and to convene another National Conference at Leeds, November 18 to 22, 1873. The National Association of the Unions of Durham and Northumberland, the Amalgamated Union of Miners, the large unions of Yorkshire, Cleveland, Lancashire, those in the Midlands, South Wales, and in Scotland carried on the work began in the sixties. The National Federation of Miners now represents nearly all the coalfields except Durham and Northumberland. The outcome of their labours is that the miners have won a foremost place in the industrial world as regards legislation and general conditions of employment.

9. *Labour Leaders and Political Movements.*—The Nine Hours' Movement, the Conference thereon at Derby, and the establishment of the London Trades' Council, had prepared the way for co-operative action in other movements—political and social as well as industrial—by the labour leaders thus brought together.

It is well known that trade unions, as a rule, exclude party politics and religious sectarian questions from their executives, councils, and lodges or branches. The rule is not invariable, for in some cases they, notably the Shoemakers in London, often joined in public political movements by the votes of the members. This was so in the early sixties by both sections into which the shoemaking trade was divided. George Odger was often delegated to attend conferences and meetings on their behalf. The Labour leaders of forty years ago were almost wholly Radical. Many of them had been associated with the Chartist body and with international democratic movements carried on in this country. They were therefore prepared by mutual sympathy and sentiment, by political conviction and prior association, to form new combinations for advancing old causes—political freedom, citizens' rights, even-handed justice, and industrial amelioration—in other words, the rights of labour.

10. (*a*) *Italian Freedom and Unity.*—One of the earliest movements which brought those men together was the struggle to free Italy from Austria's yoke in 1859–60. Mazzini was known personally to many of us; Garibaldi soon became an idol. Nearly all of the more prominent men in labour movements favoured the Italian crusade; those who took the other side were mostly Irishmen. At the meetings held in Hyde Park it was no unusual thing to see the London artisans and the labourers who "served" them in an apparently deadly conflict for possession of the "mound" which served as a platform ere the Reform League consecrated what was known as the "Reformers' Tree." British workmen aided, by sympathy and support, that great, and on the whole successful, struggle for Italian freedom and unity. The London workmen made memorable the Italian Liberator's visit to the metropolis by their magnificent reception at the Nine Elms Station, whence they escorted him to Stafford House. In the attempt to gag him while here and to hustle him out of the country, with much courtesy but all speed, their protests were loud and strong. I venture

to say in this connection that the enthusiasm of the British workmen helped our Foreign Office to disregard both Austrian and French diplomacy, and also the influence of the Vatican. The interest of British workmen in that struggle continued until the hopes of Italian patriots were realised by making Rome the seat of government.

11. (*b*) *Hungary's Struggle for Independence.*—The fervour in favour of Hungary at that date was not equal to that evoked for Italy, but it was none the less real. The question of "independence" had indeed entered into another phase since the events of 1848–9. In 1859 Kossuth had spoken at a great non-intervention meeting in the City of London with the Lord Mayor in the chair, the war then being between Austria and Italy, the French supporting the latter. Kossuth spoke at other meetings, and everywhere was enthusiastically received. With this movement also the labour leaders of that date were in full sympathy.[1]

12. (*c*) *The American Civil War.*—With almost singular unanimity British workmen took the side of the North as against the South, in the great American Civil War. At first, after the secession of South Carolina, December 20, 1860, there were a few waverers, and others were inclined to waver, mainly on the ground of an alleged constitutional right of secession, supposed to have been reserved to the several States in the constitution of the Federal Union. But the keynote had been struck earlier by John Brown at Harper's Ferry on October 16, 1859. It was regarded as a struggle for the abolition of slavery, and the election of Abraham Lincoln on November 6, 1860, confirmed that view. In spite of some initial difficulties most of the working classes were in favour of the North, of freedom as against slavery, and no more notable page exists in British history than the record of the self-sacrificing heroism of the cotton operatives of Lancashire. All sections of British work-

[1] I was present at the great meeting in the London Tavern, and shall never forget the outburst of enthusiasm.

men suffered more or less by depression in trade, but Lancashire suffered most, and suffered bravely.

13. *Anti-Slavery Movements.*—The Emancipation Society, and other bodies having similar objects, had long kept the question before the British public. "Uncle Tom's Cabin" had been read by hundreds of thousands, and the dramatic version of it had turned theatres into places of grief, where sobs and tears were almost universal in pit and gallery—even in the boxes. The effect of all this, and of the efforts of abolitionists in the States and elsewhere, were not lost. But the one great fillip given to the movement in England at that time was the publication of an "Address" to the working classes, prepared and issued by Messrs. Odger, Cremer, and Howell at the outbreak of the war, and circulated throughout the country.[1]

14. Great meetings were held in London and throughout the provinces. The two most memorable in London were the notable meeting in St. James's Hall, over which John Bright presided, March 26, 1863, and one in Exeter Hall later on. Mr. Bright also addressed two great meetings at Rochdale, one at Birmingham, two others in London; and he also spoke in the House of Commons, June 30, 1863. Lancashire deserves the greatest credit for its practical sympathy and support of the North in that great struggle. The solid and enthusiastic adherence to the cause of freedom on that occasion by the masses of our people prevented what, apparently, was at one time contemplated by the then Government—the recognition of the Southern States as a *de facto* government, thereby alienating the great Republic of the West.

15. (*d*) *Parliamentary Reform.*—The activity of the more prominent working-class leaders in the movements mentioned and others brought them into close personal contact with many eminent public men, statesmen and politicians, political economists, and other publicists, and men of the

[1] That Address was written by me; it was revised jointly, and sent to the newspapers.

wealthier classes whose sympathies were more or less with the people, some in one way, some in another. Among those indicated may be mentioned Messrs. Bright and Cobden, John Stuart Mill, Professor Cairnes, Professor Goldwin Smith, Professor J. E. T. Rogers, Professor Beesly, Dr. Congreve, Frederic Harrison, Thomas Hughes, J. M. Ludlow, T. B. Potter, and numerous others, and to some extent also with Ministers of the Crown—Lord John Russell, Lord Palmerston, Mr. W. E. Gladstone, and others of their colleagues. The relations thus created did not end with the movements mentioned.

16. *Agitation for the Franchise.*—Among the many questions frequently discussed by the band of men brought together in London by the labour and other movements alluded to was the subject of electoral reform. The Chartist body, as an organisation, was practically dead, though local sections still existed and held meetings from time to time. The subject, however, was not lost sight of, and efforts were made to infuse new life into the movement for Parliamentary reform. Mr. Bright and Mr. Locke-King in Parliament, and others outside, sought to revive an interest in the question, and were so far successful that Mr. Disraeli was induced to try his hand at a Reform Bill, which he introduced on February 28, 1859. His attempt brought Lord John Russell to the front again, but both the Bill of the former and the resolution of the latter suffered defeat. Mr. Bright then propounded a scheme, but he also failed. It was thought, indeed, that so long as Palmerston lived further reform was out of the question. In this view the working-class leaders then to the front did not concur—they in fact resented it as a cowardly policy.

17. *Meetings in London.*—After long meditation and discussion it was resolved to start another agitation, and the "Manhood Suffrage and Vote by Ballot Association" was established, the inaugural meeting in the Freemasons' Tavern being pronounced a great success. Several meetings

were held in London, the last of which ended in a sad tragedy—Washington Wilks fell dead on the platform during his speech. This was at the St. James's Vestry Hall. Soon afterwards the leaders were approached with the view of reconstructing the Association or of starting a new one on similar lines. The first proposal was to substitute "Household" for "Manhood" Suffrage. To this proposal the leaders would not listen.

18. *The Reform League.*—After further negotiation and discussion it was agreed to call a meeting to consider the question. The meeting was held during 1864, when it was resolved to establish the Reform League, its objects being: Registered Residential Manhood Suffrage and the Ballot. Mr. Edmond Beales was elected president, and the present writer secretary of the new body. A large Council was elected, and from them an executive. No. 8, Adelphi Terrace (now No. 9) was secured as offices, which the League occupied until its dissolution in 1869.

19. *Reform Bills*, 1866 *and* 1867.—This is not the place in which to discuss the principles, policy, or action of the Reform League. Hated as it was by a section of the community, it accomplished most of the work for which it was established, or so paved the way that it was no longer needed as an organisation. Mr. Gladstone's Reform Bill of 1866 was an outcome of its work, and the Reform Act of 1867 was a result of its labours, while the Acts of 1884-5 was a consequence thereof.

20. *Middle-Class Support of Enfranchisement.*—Many of the men who stood side by side with the labour leaders in the American war against slavery, and in other movements mentioned, did not desert them in the reform struggle. It was thought at one time that Mr. Cobden might become our president, but his lamented and unexpected death put an end to that hope. Mr. Bright stood by us to the last, though he did not fully endorse our programme, and never joined the League. Many of the largest subscribers to its funds

were personal friends of John Bright, given upon his recommendation. Mr. Samuel Morley was always a generous donor, as were also Sir Wilfrid Lawson (the present Baronet's father), Sir Titus Salt, Messrs. Thomasson, Hargreaves, Pennington, P. A. Taylor, Wm. Leaf, and some members of Parliament then in the House.

CHAPTER XVII

LABOUR MOVEMENTS, STRIKES, AND LEGISLATION IN THE SIXTIES.—III.

ONE other movement, extraneous to industrial questions, requires to be noticed here, not only because of the significance of the subject in itself, but because it was the proximate cause of an international endeavour to bring about what was then termed the "solidarity of labour." The "proletariat" sought to "fraternise," not only politically, but socially and industrially, and upon one subject—Poland. There was such a consensus of opinion that it brought together men of different nationalities, with the view of influencing European Governments to interfere on behalf of that oppressed and unhappy country by restoring to her liberty and self-government.

1. *Poland and the Proletariat.*—Perhaps no country ever evoked more general sympathy among the nations than Poland. This sympathy was not confined to any one section of the people. It was voiced in many ways —by a "Society of the Friends of Poland," by the "Fraternal Democrats," the Polish League, and by other bodies. From 1830 especially there was a feeling of indignation against Russia for her cruel suppression of the revolt at Warsaw—a revolt brought about by the illegal acts of the Grand Duke Constantine. The Emperor's message, "Order reigns at Warsaw," sent a thrill through Europe, for the peoples understood that "order," as there mentioned, was the silence of death,

the voicelessness of the tomb. In the case of Poland the revolt was not so much that of the masses of the people, crushed by tyranny and reduced to serfdom, as it was of the nobles, the professional, and the trading classes. Hence perhaps some of the widespread sympathy.

2. *Labour Leaders' Sympathy with the Poles.*—The feeling evoked in 1830, and indeed previously, was kept alive during the thirties, forties, and fifties by the revolutionary movements on the continent of Europe by the Chartists, Fraternal Democrats, by the "Friends of Poland," and members of the Polish League. As a matter of fact it needed little to keep alive the resentment against Russia beyond the reports of her barbarous methods of retaliation and cruel methods of suppression. In the early sixties the feeling of exasperation revived, by reason of Russia having declared Poland in a state of siege in October, 1861. This was more especially the case among sections of the working classes, and an interchange of views took place between some British labour leaders and representatives of the proletariat in France, Germany, Switzerland, Italy, and other countries. Meetings were held, and the Government was urged to interpose on behalf of the "downtrodden Poles." So far as I can remember—and I was mixed up with this and all other similar movements—the British Government was not urged to take up arms in behalf of Poland, but to use its influence with Russia, in order to secure some mitigation of the severity of her crushing, tyrannical, military rule.

3. *Polish Revolt against Conscription.*—In January Russia promulgated an order of conscription, and on the 14th of that month the Poles rose in revolt against it. The object of conscription was, according to Lord Napier, "to make a clean sweep of the revolutionary youth of Poland; to shut up the most energetic and dangerous spirits in the restraints of the Russian army; to kidnap the opposition, and carry it off to Siberia or the Caucasus." It is reported that, on the first night of the "Order," the houses in Warsaw were

entered, and 2,500 men were forcibly carried off to serve. Next day thousands took to flight, and forthwith commenced an organised resistance over the whole of Poland against the decree, a central committee being formed at Warsaw to direct what was to be another struggle for freedom.

4. *Britain's Protest.*—That Lord Palmerston was more or less in sympathy with the efforts on behalf of Poland is, I think, well known. Certain it is that he contributed £2 towards the expenses of a meeting held in support of the Poles; but he was discreet enough not to express any opinion on the subject to the deputation that waited upon him—in fact he dexterously avoided the question upon that occasion. On March 2nd, 1863, Earl Russell indicated the views of the Government in a dispatch to the British Minister at St. Petersburg, in which he said that "Her Majesty's Government views with the deepest concern the state of things now existing in Poland." He goes on to state that Great Britain's interest in the question was "as a party to the Treaty of 1815, and as a Power deeply interested in the tranquillity of Europe." He suggested "an immediate and unconditional amnesty," and the granting of "political and civil" rights. But the "bloody conflict," as he termed it, went on, and on May 3rd the Polish Central Committee declared itself a provisional Government. On June 17th Earl Russell forwarded to Russia, through Lord Napier, an outline of measures agreed to by England, France, and Austria; and on the 19th there was a discussion in the House of Lords concerning the atrocities committed by Russia in Poland. On July 1st Russia replied to the Joint Note by refusing to discuss the six points submitted, and on the 20th a debate on the question arose in the House of Commons.

5. *The International Working Men's Association.*—Those who imagine that international trade unionism is an invention or development of recent date are mistaken. Efforts were made in that direction in the thirties and forties; and early in 1862 an approach-

ment was made to the London Trades Council by the Neapolitan Working Men's Association by an Address, which was replied to in another Address, written by me as secretary to that Council. But all such attempts to effect a "solidarity of labour" failed. I gave some reasons for such failure in my reply to the Neapolitan workmen in 1862. The chief was the difference in organisation and aims. In England trade unions, I said, are purely industrial, dealing with labour; on the Continent they are for the most part political, labour being one of many objects, not the sole object. The difference is less to-day then it was forty years ago, but it still undoubtedly exists.

6. *Events that Led to its Formation.*—The events relating to Poland, previously adverted to, were the proximate cause of constituting the International Working Men's Association. It arose out of the meetings and action regarding Poland. But other events relating to Italy, Hungary, the United States, and the formation of the Reform League contributed to that event, and led up to it. It was agreed to establish the "International" at an assembly of prominent workers in the cause of labour and political advancement, held in the smoke-room of a public-house in Long Acre, after the conclusion of a meeting held in the then St. Martin's Hall. A preliminary committee was elected to draft a constitution, frame rules, and prepare an Address.

7. *Its Objects and Policy.*—The essential story of the "International" has been told by me in the *Nineteenth Century* (July, 1878), the details of which need not be repeated here. For five years that association was regarded with horror by the crowned heads of Europe, or that impression was created by references to it in the Press by some statesmen—British and Continental—and by what is termed "diplomatists," who are by no means diplomatic in matters relating to political, social, or industrial movements. It was reported that the wiseacres who represented foreign courts, as ambassadors to this country, more than once proposed a general European

law to suppress the "International Working Men's Association." Its members, especially the officials and members of the council, were traduced and denounced, as though the object of that association was universal revolution by violent means, even, if need be, by assassination. Pure invention, the whole of it. The assassins, if any there were, consisted of the slanderers of the founders who constituted the association and council of that much maligned body. They did not stab with an assassin's knife, but with the pen—which is said to be mightier than the sword. The blow was struck in the dark, behind the victim's back, probably in the hope that the wound would rankle and incapacitate the victim, even if it did not physically kill him. Politically that was intended. I speak as one who knew the founders and all members of the council during several of the first years of its existence, and I declare that no doctrine was broached or proposal made which could not have been publicly stated on any English platform while I was a member of the council.

8. *Its Programme.*—The objects of the International were political and industrial. They embraced all that pertains to citizens' rights—civil and religious liberty, the rights of labour, the fraternity of nations. The terms "proletariat" and the "solidarity of labour" represented its ideal of labour's Utopia. Higher wages, shorter hours of labour, better conditions of employment, abolition of child labour, extended education, and freedom to associate for the promotion of these and other objects constituted the main purposes of the association. It did not favour State regulation and control to the extent now advocated by the Social Democratic Federation and similar bodies of recent times; it did not even clamour for an eight hours' day by Act of Parliament. It pronounced in favour of the eight hours; but no resolution of that body was ever passed, so far as I know, in favour of legislation to procure and enforce an eight-hour day.

9. *Restraining Force of London Council.*—Dr. Karl Marx was its president, but some of the theories con-

nected with his name were not then known to his colleagues, and I am not sure that they had at that date been even propounded That some of the Continental branches may have advocated extreme measures is doubtless true. The conditions were different. Revolution is native to the soil, as it were, in some countries. But the council sat in London; its members were well known as peaceful men, even if Radical in politics. The congresses were public; council meetings were reported, it supported one newspaper for that purpose. If it inspired fear, it was because of the rightfulness of the avowed objects which it advocated, not by reason of its violence or secret designs.

10. *Master and Servant Acts.*—The first legislative result of the closer collective action of labour leaders and their constituents, the trade unions of the country, was an amendment of the Master and Servant Acts in 1867. The movement in this case was initiated by the trades of Glasgow, for reasons that will appear later on. On April 20, 1864, a conference of representatives of the organised trades of Glasgow met at the Bell Hotel, Trongate, to consider the laws affecting workmen under contract of service; at that meeting an important Memorandum and Statement of the Law was presented by Mr. Strachan, Writer to the Signet, prepared at the request of the committee of the trade unions of Glasgow. The statement having been adopted, an Appeal was also adopted to be sent to trade unions generally, signed by the conveners, Alex. Campbell, secretary; George Newton, treasurer; and A. J. Hunter. Mr. Strachan was requested to draft a Bill, in order to have something tangible to put before the trades of the United Kingdom.

11. *Conference in London.*—As a result of that conference, and the subsequent labours of the committee elected to carry on the work, a conference of representatives of labour was held in London, at the offices of the "Universal League for the Welfare of the Working Classes," on May 30, 1864, and three following days. Among those present, in addition to the delegates from Glasgow, were George Odger, George Potter, Robert

Applegarth, George Howell, Daniel Guile, T. J. Dunning, Thomas Connolly, Alex. Macdonald, Wm. Dronfield, and George Austin, from Sheffield, and many others. The conference passed resolutions on the subject of hiring under the existing law, and solicited an interview with Sir George Grey, Home Secretary, and Mr. Milner Gibson, the President of the Board of Trade.

12. *Deputation to Minister.*—Sir George Grey replied that he was too busy to receive a deputation, but Mr. Milner Gibson consented. After hearing the views of the deputation, he expressed general concurrence in their claims. A conference of members of Parliament was subsequently held in the Tea Room of the House of Commons to hear the deputation on the subject. Those present agreed in the view that a Bill should be prepared, and Mr. Cobbett, M.P., consented to take charge of such Bill. A number of members promised to support it, among others Messrs. Sheriden, Williams, Locke, Ayrton, Cox, Beecroft, Denman, Solomons, Kinnaird, Black, Hadfield, Roebuck, Taylor, Forester, Jackson, Lord Fermoy, and several others.

13. *London Conference*, 1867.—The report of that conference was issued on June 18, 1864. The committee continued their work quietly and perseveringly, but made little headway until 1867. In March of that year a conference was held in St. Martin's Hall, London, called together in consequence of a decision in the Court of Queen's Bench, and with the view of supporting the Bill before Parliament, then in charge of Mr. Charles Neate. That conference dealt with the position of trade societies as affected by the decision of Hornby *v.* Close, and the Royal Commission on Trade Unions, especially as regards holding the inquiry with open doors. It was reported that 160 delegates were present at the conference, representing 200,000 members of unions directly, and a further 400,000 indirectly.

14. *New Bill.*—The committee elected to promote a measure for amending the Master and Servant Acts continued their work, and at last were fortunate enough to

secure the services of Lord Elcho—now Lord Wemyss—who took charge of the prepared Bill. The Bill was so far supported that it was read a second time and referred to a Select Committee in 1866. In the following session (1867) the Bill was reintroduced and became law as "An Act to amend the Statute Law between Master and Servant" (30 & 31 Vict., c 141).

15. *Review of Provisions in Force.*—Before describing the provisions of the Act of 1867 it is essential that the enactments in force prior to that Act should be briefly indicated. The statutes in force were seventeen in number, and there were four others that applied. Under the first of the former (1747) any justice or justices, upon complaint by master or employer, could issue warrant or summons, and hear, examine, and determine the same, and punish the offender by imprisonment. Under the second (1766) any justice could issue warrant for the apprehension of the offender, which power was extended in the Act of 1823. Those statutes applied to all workers in all trades, except domestic servants. In England, by 11 & 12 Vict., c. 43 (1847-8) a justice or justices could, in the first instance, issue warrant or summons; in Scotland the process could only be by warrant prior to 1867. Hence the anxiety of the Scottish workers for an amendment of the law. If the charge was unfounded the workman had no remedy against his accuser, even though he had suffered imprisonment under arrest. By one enactment justices had no alternative as to punishment, except to imprison. The average number of prosecutions under those Acts were 1,100 a year in England and Scotland alone. This computation is given in the "Statement" and "Appeal" of 1864, and was repeated in 1867. The inequality of the law was the main point urged—the employer could only be summoned, the worker could be apprehended by warrant; imprisonment only was the punishment for the worker, fine or damages and costs was the penalty for the employer if the case went against him, which was seldom.

16. *Act of* 1867—*its Character.*—The Master and

Servant Act, 1867, was not all that could be desired, and within eight years it was destined to be repealed, and also the other seventeen enactments referred to in the first schedule. That Act took away the power of issuing a warrant in the first instance, and arresting the alleged offender. The power of a single justice of the peace to act was abolished. Power of imprisonment, without option of fine or damages, was apparently restricted to cases of serious injury to persons or property. But power to abate wages was retained. Workmen, instead of being "convicted," as under previous Acts, were subjected to an order of the court the same as employers. The hearing also was to be in open court, and not in the justice's own private room, as it could have been, and often was, previously. Power of appeal was also given in the Act of 1867; and workmen were allowed to give evidence, as employers were always able to do under then existing Acts. Both parties were thus placed on a level in these respects.

17. It took four years of hard work to effect the improvements in the law above adverted to. But the labour was not wasted. The Act was a piece of remedial legislation, carried in a Parliament not otherwise remarkable for its sympathy with labour. It did not achieve all that the labour leaders of that day desired and contended for, but they were wise enough to help Lord Elcho in his rather difficult task in order to secure one more step in the cause of labour. Had they pressed too closely for a more advanced measure, there can be little doubt but that the Bill would have been thrown out, and further delay in legislation would have ensued.

18. *Conciliation Act*, 1867.—This measure deserves mention by reason of its intention, not because of any good by it accomplished. It was originally promoted by the "National Association of United Trades," the Bill being introduced by Mr. Mackinnon. Subsequently Lord St. Leonards took charge of the measure, it being redrafted It proposed to create courts of conciliation, elected by the residents in the locality, on the basis of a wide suffrage.

The London Trades Council agreed to support the measure. Mr. George Odger and I were deputed to wait upon the noble lord at Royle Farm, Thames Ditton, in conjunction with Mr. T. Winter, representing the before-mentioned association. We went through the Bill with Lord St. Leonards, who, knowing that I was then the secretary of the Reform League, and Odger member of the council, explained why he based his Bill upon so wide a suffrage. "I could not help it," the noble lord said; "on no other basis would these courts of conciliation command the confidence of the workpeople."

19. *Utter Failure of the Act.*—The Act was passed in 1867, but it was inoperative from the first. It could not indeed be otherwise, for it continued all the limitations in the Act of 1824 as regards fixing or regulating rates of wages. It prohibited the courts from fixing a future rate of wages! What, then, could they do? In wages disputes it is the future alone that can be dealt with. You may limit the period of its operation to a week, month, six months, or a year, but the award must deal with the future. As the Act prohibited this, it was a dead letter from the day of enactment till its repeal.[1]

[1] See on this subject Chap. XXXIX., "Arbitration and Conciliation."

CHAPTER XVIII

LABOUR MOVEMENTS, STRIKES, AND LEGISLATION IN THE SIXTIES.—IV.

FOR nearly forty years trade unionism had been making steady progress, both in Great Britain and Ireland. There was scarcely an industry of importance in which some kind of society had not been established. Some, indeed, had been of a temporary character, the basis not being sufficient for a permanency. Many were still local unions, isolated in action, and not strong financially or numerically. Others had gone ahead, but on the old lines; some of these were powerful, by reason of numbers and funds, and by compactness of organisation. In the building trades the Masons' Society was the most powerful. In London the bricklayers were strong, with numerous branches and a large roll of members, but it was metropolitan only. The Manchester Unity controlled Lancashire, Cheshire, most of Yorkshire, and some of the Midland districts. The carpenters had a general union, the seat of government being Nottingham. In London there were many local unions, and also in the provinces. Shipwrights, boilermakers, ironfounders, pattern makers, ironworkers, boot and shoemakers, tailors, textile operatives, plumbers, painters, hatters, tinplate workers, miners, cabinetmakers, compositors, printers, bookbinders, and numerous other trades had unions of long standing—some strong, others weak, mostly local in character, and consequently limited in influence. The several unions in

one industry occasionally co-operated when circumstances required it, as did also all unions in times of stress and strain; but usually such co-operation ended when the temporary stress was over.

1. *Reorganisation, Consolidation, Amalgamation.*—During the period of fifteen or sixteen years out of the forty years adverted to, there had been a growing tendency towards consolidation. To effect this, reorganisation was, in most instances, essential. The work was not easy or slight. Local prejudices had to be overcome. Independence had to be sacrificed. Private interests had to be consulted and satisfied. The officers and committeemen of local unions had to be conciliated, claims to be adjusted and arranged. All this had to be done by the pioneers in the engineering branches of trade, during negotiations for amalgamation in 1850, before the Amalgamated Society of Engineers could be launched, which was successfully done on January 1, 1851.

2. *Influence of Society of Engineers.*—The work of organisation progressed slowly and surely, from 1825 to 1850. During the next ten years all eyes were turned more or less to the Society of Engineers, and gradually it became a model union in the estimation of the labour leaders; one to be copied and followed, or at least imitated, as far as circumstances and the nature of the trade affected permitted. Where the members of the union and the officials and leaders could not see their way to adopt the constitution, rules, and benefits of the Society of Engineers, reorganisation was carried on suitable to the requirements of the members, especially in the matter of benefits and methods of management. Nearly all of the more important trade unions now in existence have been reconstituted, remodelled, reorganised, or newly established since 1850. In the case of unions founded before that date the changes effected have been great, equal in most instances to reorganisation.

3. *Amalgamation of Unions.*—The Nine Hours' movement in the building trades, and the other movements to which attention has been called, gave an impetus to the work

of organisation and reorganisation. The first body to attempt reorganisation and amalgamation on the lines of the Engineers' Union was the carpenters and joiners, the first steps towards which were taken in the winter of 1860–61. The Amalgamated Society of Carpenters and Joiners was the outcome of the action then taken. The general union did not, however, come in as a body, though some branches did. The Tailors similarly amalgamated. The Boilermakers' Union was reconstituted as "The Boilermakers' and Iron Shipbuilders' Society." The Bricklayers' Union was reconstituted, with extended benefits, on the basis of a national union, instead of being metropolitan, as formerly. The ironworkers, miners, and other bodies followed on the same or similar lines, or as nearly approaching to them as circumstances permitted.

4. *How regarded by the Public.*—Naturally, all this was watched by employers, politicians, and the public with mixed feelings; some with fear because of the growing power of the unions, others with sympathy more or less openly expressed; by some with bitter resentment, because the masses of the working people were becoming a factor to be reckoned with at the hustings. Employers were not all of one opinion. Some regarded the unions with suspicion, and threatened resistance and defiance. Others saw in their growth an element of safety, less violence, more prudence, a readiness to hear reason. "Strike but hear" was often hurled at the unions; now, said some employers, they will hear as well as strike.

5. *Proposed Royal Commission on Trade Unions.*—At no period in the history of labour up to 1867 had labour leaders stood higher in public estimation, or were trade unions more free from vituperative attack than in the autumn of 1866. It almost seemed as if old feuds were about to be forgotten, and that more cordial relations were about to commence between employers and employed. Representatives of capital and labour frequently met in the political arena, and spoke from the same platforms on the questions of the day. Politicians of the "Manchester school" and trade union officials were less at variance,

or their differences were laid aside in view of other questions upon which they were generally agreed. Then the unexpected happened. A bolt from the blue disturbed the atmospheric conditions, and suddenly the old conflict was renewed.

6. *The Sheffield Outrages.*—There were rumours in the air of Sheffield outrages, but at first these were regarded as revivals of old charges, and workmen had a suspicion that some of them at least were trumped up. There was the old case against the saw-grinders of Sheffield of attempting to blow up the house of Finley on January 11th, 1859. Then, on November 23, 1861, there was a charge against Thompson for the Acorn Street outrage, who was tried on March 17, 1862. The jury found a verdict of not guilty. Three other grinders were tried on the following day on the charge of blowing up a shop at Thorpe. They were all found guilty, each being sentenced to fourteen years' penal servitude, but later on they received a free pardon on the ground that they were not the perpetrators of the outrage. Then, on October 15, 1866, came the report of the blowing up with gunpowder of the house of Fearneyhough, as alleged, by agents of the Saw Grinders' Union. A reward of £1,000 was offered by the Sheffield masters and £100 by the Government for information leading to the discovery of the perpetrators. An outcry against trade unions followed, and on February 8, 1867, the Home Secretary brought in a Bill to enable Commissioners to take evidence upon oath respecting trade-union outrages at Sheffield.

7. *Attitude of the Trades.*—The allegations made at the time, before the inquiry was instituted, filled men's minds with horror. Those who felt it most perhaps were the labour leaders and trade union officials, especially those in London. The Trades Council sent George Odger down to Sheffield to inquire, and his confidential report confirmed our worst fears that some of the outrages were instigated by and paid for by the union indicated or named. The Sheffield unionists were also horrified at the charges, and they joined hands with those in London in demanding the

most searching inquiry, in order to clear up the mysteries, bring home the crimes to those responsible, and exonerate those who were not to blame.

8. *Demands for Inquiry.*—The demand for an inquiry was formally made by a resolution of the Sheffield Town Council on October 29, 1866, but it confined itself to "the cause or causes of the explosion in Hereford Street." A deputation was appointed to wait upon the Home Secretary to urge inquiry, and he appointed November 13th to receive the deputation. On November 6th the London trades requested the Sheffield Town Council to allow a deputation appointed by them to accompany that from Sheffield, but this was refused. The Home Secretary, however, consented to receive a deputation from the London trades on November 17th. The Sheffield deputation, consisting of members of the Town Council and leading employers of the town, had a private interview with the Home Secretary, reporters not being admitted. The object, so far as can be gathered from what took place in the Council and statement of the Mayor, was "to urge the appointment of a Commission to inquire into the cause or causes of the explosion in Hereford Street," the Mayor saying in reply to Mr. Alderman Saunders, that "the deputation of this Council must confine itself entirely within the resolution." A general inquiry was not asked for.

9. *Action of London Trade Unions.*—The London Trades' deputation specifically requested the Home Secretary to admit reporters, but this he refused to do. The difference in the attitude of the two deputations was pointedly adverted to in the Sheffield Town Council at the meeting following, when the Mayor gave his meagre and unsatisfactory report. Mr. Alderman Ironsides said "that secrecy in a matter of such public importance was unwise and underhand, it was not honourable or straightforward." Mr. Alderman Saunders said: "Wherever there was secrecy there was corruption; the affair was a miserable one, and the sooner it was forgotten the better." The action of the London Trades was commended for its

straightforwardness, while that of the Council was condemned by the above-named speakers. The Sheffield deputation asked for a limited inquiry, that of the London Trades boldly demanded a full and searching inquiry into the whole subject.

10. *Conduct of Labour Leaders.*—The conduct of the labour leaders at that date deserves to be accentuated by reason of the denunciations in the Press, in Parliament, on the platform, and in the pulpit. I was personally acquainted with almost every man of prominence in the labour world during those anxious years, and was associated with them in all labour movements; and this I can honestly say, that I never heard one of them excuse or palliate the outrages complained of, much less sanction or condone them. They were as honest in their denunciations as employers and others, and were far more insistent in their demands for a thorough investigation into all the allegations made than most of their critics. In this sweeping statement I include Mr. Wm. Dronfield and his colleagues in Sheffield, all except the few shown to have been implicated in the outrages, to the consternation of most of the Sheffield workmen.

11. *Appointment of Royal Commission.*—Early in 1867 the Government resolved to appoint a "Royal Commission to inquire and report on the organisation and rules of trades and other associations, with power to investigate any recent acts of intimidation, outrage, or wrong alleged to have been promoted, encouraged, or connived at by such trade unions or other associations." Extra powers were conferred upon that Commission by the Trade Union Commission Act, 1867, and by an Extension Act in the same session. Practically the powers vested in the Commission were unlimited, and thus it was able to unearth the terrible crimes which had disgraced the annals of trade unionism in Sheffield, Manchester, and one or two other places.

12. *Attitude of the Press and Public.*—The object of the Commission was clearly indicated by the mover and seconder of the Address in the House of Commons on

February 5, 1867. It was not merely or only to unearth outrage and wrong and bring the perpetrators to justice, but to give a pretext to the Government to suppress the unions or materially to curtail what little liberty the law had given to them. The inflammatory articles in newspapers and the attacks of public men had to some extent prepared the way for such contemplated action. Files of newspapers for 1865, 1866, and the early part of 1867 prove this. I quote one sentence from the *Daily News*, not always the most violent against the unions, thus: "The unions must be stamped out as a public nuisance." This was the attitude of the Press generally, with a few exceptions; it was also the attitude of a large number of members of Parliament and other public men.

13. *Friends of Labour Appointed on the Commission.*—Under these circumstances the labour leaders and officials of trade unions throughout the country, especially those in London, took counsel together and resolved to act on behalf of labour. One of the first things attempted was to endeavour to place two men on the Commission specially to look after the interests of labour. The two men proposed were Thomas Hughes and Frederic Harrison. They wanted no favour, they only asked for an impartial inquiry and fair play. They knew that Messrs. Hughes and Harrison would try to secure this; they also knew that they would not condone crime or even minor offences against the law. In the end, after much effort and some resistance, Mr. Thomas Hughes, M.P., and Mr. Frederic Harrison were appointed on the Commission.

14. *Labour Representatives Allowed to Attend.*—The labour leaders next endeavoured to secure an open court for the inquiry; in this they were unsuccessful, but what they did secure was permission for some representatives of labour to be present to hear the evidence. In no other way could the trade union leaders get to know what evidence was being given, so as to bring rebutting evidence if found to be necessary. Thus two very important concessions were obtained, viz., the appoint-

ment of Messrs. Thomas Hughes, M.P., and Frederic Harrison on the Commission, and the presence at the sittings of representative men deeply concerned.

15. *Exclusion of Labour at Previous Inquiries.*—Up to that time all inquiries affecting labour had been made quite irrespective of workmen's claims or interests. They were called as witnesses as required, and examined by hostile members of Commissions of Inquiry, or Select Committees, but never once had a workmen's representative a chance of examining an employer. The unfairness of the position is obvious. However fair the members may have been, they necessarily took the employer's view rather than that of the workman. They could not help being influenced by newspaper articles and other public utterances, nearly all of which were at that period antagonistic to labour as represented by trade unions. Even the best of employers regarded them with suspicion, and Society, representing the classes, denounced them. Trade unionists were placed at a further disadvantage by the secrecy or semi-secrecy of the inquiries instituted. There was little or no opportunity of testing the accuracy of replies to questions until it was too late, namely, on the publication of the official report.

16. *Scope of the Inquiry.*—What now remained to be done was to watch the proceedings of the Royal Commission and of the Sub-Commissions in their inquiry and to take such action from time to time as was deemed to be necessary. The first step taken was to convene a great meeting in Exeter Hall on February 21, 1867, to take into consideration the recent decision in the Court of Queen's Bench (Hornby *v.* Close), the Royal Commission, and Mr. Charles Neate's Bill for the protection of the funds of trade societies. The Amalgamated Society of Engineers took the initiative; then a committee was formed of representatives of the chief London trades and of the London Trades Council. In the work which followed Mr. Robert Applegarth took a very conspicuous part. He it was who sought to combine the two deputations on the subject of appointing a Royal Commission,

and it was he who arranged the interview with Mr. Roebuck on November 12th, attended by Messrs. Dronfield and Austin, on the same subject. Mr. Roebuck arranged with the Home Secretary for the interview on November 17th. Mr. Roebuck had taken a leading part in the denunciation of the Sheffield unions for their supposed implication in the outrages, and he was asked to introduce both deputations to the Home Secretary. His party action and expressions were all the more resented because he had previously championed the cause of trade unions. It is, however, only just to his memory to say that he agreed on that occasion with the demands of the unions for a full and fair inquiry into the subject and suggested that it should extend over the previous ten years —1857 to 1867—a suggestion endorsed by the unions.

17. *Committee of the Trades.*—The representative committee called into existence by the conference of trades did not confine themselves to the proceedings of the Royal Commission. They had done what they could to get a representative workman on that Commission and to prevent its sittings being held with closed doors. They had, by public meetings in Exeter Hall and elsewhere, challenged their adversaries on the charge of complicity, directly or indirectly, with the outrages in question; they not only publicly repudiated any connection with or knowledge of such outrages, but they denounced in the most emphatic way and specifically the crimes and offences alleged to have been committed, for at that date no "disclosures" had been made respecting any case of outrage.

18. *Composition and Work of the Commission.*—The Royal Commission proceeded with its work. Evidence was tendered, frankly and fully, by the officials of the chief unions. Mr. Robert Applegarth was under examination four days, and gave important evidence as to the constitution and rules of trade unions, their action in cases of disputes and strikes, as to the unprotected state of their funds, and other matters. Similar evidence was given by other trade union officials and men connected with labour

movements; in no case was there a hint of hesitancy to give information. The inquiry was ably and impartially conducted under the presidency of Sir William Erle—the Earl of Lichfield, Sir Edmund W. Head, Mr. Herman Merivale, Mr. James Booth, Mr. J. A. Roebuck, M.P., Mr. Thomas Hughes, M.P., and Mr. Frederic Harrison being the other Commissioners. The inquiry was searching, extended, and complete.

19. Those who expected any serious disclosures from that Commission were doomed to disappointment. But all eyes turned with anxiety to the special Sub-Commissions sitting at Sheffield and Manchester. As the operations and plans of the few men implicated in the outrages were unfolded and disclosed there was a feeling of horror throughout the country, and gloom pervaded the minds of labour leaders as to the possible outcome of the inquiry. It was felt by the latter that possibly the work—good honest work—of many years would be shattered, and that legislation in a panic might ensue. There was a feeling of anger also against the men who had so hoodwinked their fellows, deceived and brought disgrace upon them, and jeopardised the cause of labour. They felt that their honour was at stake, as well as the cause they represented. Those were days of deep anxiety, as well as of gloom, as to the possible result of those disclosures. Yet there was a feeling of confident hope that the whole of the trade unionists of the country would not be made to suffer for the wrong-doing of a few. They could not believe that trade unions would be stamped out, or that an attempt would be seriously made to do so, because two or three local unions had lent themselves to unlawful purposes. But hope was mingled with fear. The cases proven were so horrible in design and execution, that an indignant public might in retaliation demand suppression. This state of suspense lasted a considerable time—throughout 1867 and 1868; meanwhile the labour leaders awaited the Final Report of the Royal Commission with grave anxiety, wondering what "recommendations" would be made.

CHAPTER XIX

ROYAL COMMISSION: FINAL REPORT, AND AFTER

APART from the serious circumstances and events which led to the appointment of the Royal Commission, and the terrible disclosures which followed, the inquiry, however necessitated, was at that time regrettable, for the special reason that employers and their workmen were getting to understand each other better. The antipathy of employers to labour leaders—officers and delegates of trade unions—had abated somewhat. They had met each other in political and other public movements in which they had a common interest, and respecting which they were found generally to agree and willing to co-operate. The fear was that the inquiry would revive old antagonisms, and that probable conflicts between labour organisations and employers would mar the mutual intercourse that had arisen. On the other hand the inquiry was opportune from this standpoint,—that electoral reform was to the front; each political party in the State was committed to it, and a settlement of the question, on some lines, was certain and immediate, for, in the then state of the country, it could not be delayed. In this respect agitation had effectively done its work.

1. *Mr. Gladstone's Reform Bill*, 1866.—In 1866 Mr. W. E. Gladstone introduced a Reform Bill which, though deemed to be inadequate by the working classes, was largely supported, on the ground that it was a considerable instalment and would give political power to at least a large section of the community hitherto outside the pale

of the constitution. Mr. Gladstone was defeated in committee on the question whether the franchise should be based on rating or rental, and the Government resigned. Earl Derby was thereupon entrusted with the formation of a Ministry by the Queen, without going through the ordeal of a General Election.

2. *Mr. Disraeli's Reform Bill*, 1867.—On February 25, 1867, Mr. Disraeli introduced a series of resolutions, preliminary to a Reform Bill, based on rating, with enfranchising and other proposals. On the 27th he abandoned his resolutions, and announced his intention of bringing in a Bill. On March 18th he introduced his Bill, in which he proposed, "as a security against the mere power of numbers, a system of checks based on residence, rating, and dual voting." After various changes in committee, which so altered the measure that one prominent member of the Conservative party, Lord Cranbourne, now Lord Salisbury, declared there was nothing left of the original Bill but its title; the measure thus altered was carried, and became the Reform Act of 1867.

3. *Effect of Reform Act*, 1867.—The enfranchisement of large numbers of the working class, by the provisions of that Act, vastly increased the influence of labour leaders in the constituencies, and the power of the working classes at the polling-booths. Hitherto large masses of the people could only shout and hold up their hands at the hustings; now a considerable proportion of them could vote. This change in the situation was in itself sufficient to alter the tactics of the Government upon the question of legislation respecting trade unions, inasmuch as any proposed action would necessarily have to be submitted to the constituencies at the General Election. At all the great meetings and demonstrations of that date, the franchise as a right, the claims of labour, the protection of trade union funds, and other such like questions were kept well to the front by labour leaders.

4. *General Election*, 1868.—Obviously an appeal to the constituencies could not be long delayed, however inclined to do so the Government might be. In order,

perhaps, to raise the issue, and possibly to ensure an early dissolution, Mr. Gladstone gave notice on March 23, 1868, of a series of resolutions on the Irish Church as an Establishment. That was the political programme upon which the Liberal Party intended to fight, and on March 30th the proposal to go into committee on the resolutions was carried by 331 to 270—majority 61. After a debate extending over eleven nights the first resolution was carried by 330 to 265—majority 65—on April 30th. The second and third resolutions were carried without a division on May 7th. A Bill on the question was introduced by Mr. Gladstone on May 14th. This action of the Liberal leader settled the political issues upon which the General Election were to be fought.

5. *Conduct of Labour Leaders.*—The influence of labour leaders was now sought on all hands in view of the approaching General Election. Politically, they were in general accord with the Liberal Party; but they never swerved in fidelity to the cause of labour. Neither Conservative nor Tory, Liberal nor Radical, went unchallenged as regards the protection of trade union funds, and the right of free association for the mutual advancement of, and better conditions for, labour. Nearly every constituency in England and Wales, many in Scotland, and some in Ireland, were visited, the special fund for which was mainly contributed by large employers of labour, no conditions being attached as to the advocacy of proper and efficient legislation in favour of trade unions, and the rights of labour generally. Some sturdy Liberals, as candidates, had to bend the knee in that contest, or run the risk of losing their seats at the election.

6. *Labour Candidates.*—The General Election took place in the autumn of 1868. Several working-class representatives were chosen to contest seats, but only two, Mr. W. R. Cremer, at Warwick, and the present writer, at Aylesbury, went to the poll. Needless to say that both were defeated. But the proposal to send special representatives of labour into the House of Commons took root, and in the election following, that of 1874, two

such men were returned—Mr. Alexander Macdonald for Stafford, and Mr. Thomas Burt for Morpeth.

7. *Results of General Election.*—Meanwhile the investigations of the Royal Commission went on. Voluminous evidence was taken. At Sheffield and Manchester atrocious outrages had been unearthed, and the names of the perpetrators had been disclosed, and these had themselves confessed their crimes, or their complicity in them. The world at large knew the worst. The labour leaders were no longer down-hearted. They also knew the worst, and felt more confident as to the final result. In the reform agitation, and in contests in constituencies at the General Election, their voices were heard on thousands of platforms, pleading for labour's rights, as well as for citizen rights, and they pleaded not in vain. Before the election closed they knew that all danger of attempts to suppress the unions was at an end. They knew also that a measure to protect the funds of trade unions was assured. The threatened strained relations between leading employers of labour and representatives of industrial associations no longer loomed large on the horizon. Mutual confidence was to a large extent restored, and politically the labour leaders were more than ever closely in touch with the statesmen in whose hands rested, for the time being, the destinies of the British Empire.

8. *Final Report of the Royal Commission.*—The entire proceedings of the Royal Commission, including the inquiries by the Special Commissions at Sheffield and Manchester, were embodied in seventeen reports, the eleventh, or "Final Report of the Commission," being that in which the Commissioners propounded their conclusions and recommendations. It was not issued until 1869. An early intimation of the result of the inquiry was given by Mr. Frederic Harrison, one of the Commissioners, in a speech delivered on April 21, 1869, in which he "congratulated the workmen of the country on the fact that outrages were found to exist in only two places—Sheffield and Manchester; and the Commission, in their report, did not recommend any exceptional legis-

lation in the matter, though Mr. Roebuck, Mr. Merivale, and Mr. Booth were the most determined opponents of trade unions." Again, on May 28, 1869, Mr. Harrison said: "The charges brought against the members of these (trade) societies had in the main broken down during the inquiry by the Royal Commission. The great bulk of the unions had passed through the ordeal without a stain." No greater testimony than that can be adduced. Mr. Harrison's character is beyond reproach. Had he or Mr. Thomas Hughes been convinced of the complicity of the unions, or of the leaders and officials representing them in the deplorable outrages disclosed, or in any of the lesser offences against society or workmen, not even Mr. Roebuck would have been more severe in condemnation of them, or more ready to apply drastic remedies. They were no mere popularity hunters; both were fearless and just. Had they seen reason for adverse action, trade unions would have had a bad time, and indeed in that case would have deserved it.

9. *Conclusions and Results.*—No elaborate quotations from the Final Report are now needed, but attention may be called to paragraph 50 in which the majority of the Commission state that, "leaving out of the question grosser cases of outrage, and confining ourselves to the more ordinary case of vexatious interference with the workmen's liberty, it must be noticed that nearly the whole of the instances (given) rest on the testimony of employers." It goes on to say that workmen have not come forward to substantiate them, and that "no suggestions for the curtailment of the power of trade unions have come before the Commission from workmen." "No independent and insulated workmen have volunteered to express themselves in that sense." The alleged tyranny of the unions was not substantiated, although at that time every inducement was offered to discontented workmen to give evidence against the unions, had they so desired. Non-unionists would have been protected had they done so, and the unions were in such bad odour with the public, that such evidence would

have been more than welcome. That reasonable grounds for complaint existed, apart from outrage and violence, cannot be denied; the fact is deplored. To reproduce an expression used by me in a speech more than thirty years ago, "Workmen are not all angels, and employers are not all devils." Both are subject to fits of temper, and are often swayed by prejudice; occasionally both have said foolish things, and done unwise ones. The Royal Commission of 1867–69 cleared the air. The storm did a little damage, but all were the better for the temporary atmospheric disturbance. For twenty years thereafter there was a gradually increasing confidence between employers and employed, only occasionally interrupted by labour conflicts, more or less severe.

10. *Unprotected State of Trade Union Funds.*—By the irony of fate, the Royal Commission, which was intended to curse, ended in a blessing. Instead of paving the way for a measure to stamp out the unions "as a public nuisance," the portals of Parliament were opened, to enable them to be recognised as lawful bodies, under the protection of the State. The first outcome of that Commission was a temporary Act for the protection of trade union funds. The demand arose out of the case known as Hornby *v.* Close. The treasurer of the Bradford branch of the Boilermakers' and Iron Shipbuilders' Society embezzled or wrongly withheld the sum of £24 confided to his care by the members of that branch. The Society prosecuted him under the Friendly Societies Act, the rules of the union being "deposited with the Registrar" under § 44. The case came before the Bradford magistrates, by whom it was dismissed on the ground that "the society had rules in restraint of trade." The Society appealed against the decision of the magistrates. The appeal was heard on January 16, 1867, in the Court of Queen's Bench, when it was dismissed, the magistrates' decision being confirmed. Shortly after another case occurred, in which the secretary of the Bradford branch of the Amalgamated Carpenters' and Joiners' Society embezzled from £30 to £40. The

magistrates, on February 15, 1867, found that the case was fully proved, but dismissed it, in view of the recent decision in the Court of Queen's Bench. That decision was appealed against, and was heard in July, 1869, being known as Farrar *v.* Close, the appeal being dismissed on the same grounds. A further case occurred at Hull, when a warrant was applied for to arrest an absconding officer, but it was refused by reason of the same decision.

11. *Methods of Investment of Trade Union Funds.*—Up to the year 1863 the usual practice of trade unions was to make the landlord of the inn or public-house in which the society met or the lodge was held the treasurer of the society or lodge. When the funds in hand permitted investment, the balance, or such proportion of it as the members decided upon, was placed in the hands of the brewers or distillers who supplied that particular house with beer or spirits; the interest was generally from 4 to 5 per cent., the latter very frequently. It is but fair to the landlords of that date to say that seldom any losses occurred by the transactions. Trade societies, or branches thereof, were sources of revenue to publicans, and they were, as a rule, welcomed as such. Generally the lodge-rooms were then free—no rent, no charge for gas. After 1860 it would appear that, in numerous instances, they were less profitable, and at first a payment for gas was required, subsequently rent for the room. It was argued that the members of these societies spent less on lodge nights, and therefore some other pecuniary recompense was needed. The labour leaders regarded this as testimony favouring increasing sobriety, and consequently did not resent the demand; rather, they approved of it. Since that date some lodge houses have still been free; for others a charge for gas has been paid, for some a rental. Let it here be said that no schoolrooms or other public rooms were available to trade unions to meet in. Church and chapel alike refused to let schoolrooms for such purposes, and then the parson or minister denounced the men for meeting in public-houses. There were no other places then to meet in.

12. *Post Office Savings Banks.*—When Mr. Gladstone proposed the establishment of Post Office Savings Banks in 1861 an effort was made to induce him to make provision for deposits by trade unions in the same way, and to the same extent, as friendly societies. It was pointed out to him that, in many respects, the two classes of societies were similar, and that some, like the Amalgamated Society of Engineers, provided benefits quite as good as, if not better than, most friendly societies. It was further urged that, as trade unions were permitted to deposit their rules with the Registrar of Friendly Societies, and with Clerks to Justices of the Peace, under the Friendly Societies' Act, 1855, that they had some claim to be placed on the same footing as regards depositing surplus funds under the Savings Banks Acts. Mr. Gladstone did not make specific provision for this in his measure (carried in 1863), but under the Regulations which followed in 1864 such provision was made, and thereafter the unions, or many of them, banked their funds with the Postmaster-General and National Debt Commissioners, as representing Savings Banks, Post Office and Trustee under the Acts relating thereto, respectively. At the deputation to the Home Secretary, Mr. Walpole, on February 1, 1868, the subject was again referred to by Mr. Thomas Hughes, M.P., Messrs. Allan, Guile, Applegarth, &c. Mr. Guile stated that the Engineers alone had £140,000 in various parts of the country. The unions were thus placed in an awkward position by the decision in the Court of Queen's Bench as regards the safety of funds deposited in the Savings Banks, on the ground that some of the rules of the unions were deemed to be "in restraint of trade."

13. *Deposits in Savings Banks.*—On March 7, 1868, a deputation again waited upon Mr. Gladstone on the same subject, as he had, when Chancellor of the Exchequer, provided facilities for making deposits in the Post Office Savings Banks by trade unions. Mr. Allan referred to a former interview, in 1864, when permission to use such banks was granted. He stated that the Engineers had

deposited upwards of £40,000 in the Post Office Savings Banks. Messrs. Danter, Odger, Applegarth, and others spoke as to the difficulty that had arisen by reason of the recent decision in the Court of Queen's Bench. Mr. Gladstone agreed, but said that he thought such societies were friendly societies—why were they not? The reason stated was that they were ruled out because some of their rules were alleged to be "in restraint of trade." He questioned the soundness of the doctrine, and quoted two instances in support of his view—the rule among publishers as to discount, and the uses to which land might be put, perfectly legal in themselves, but they might operate "in restraint of trade." He stated that he "was completely puzzled by the matter as it then stood before him; whatever was permitted by law ought to entail no legal grievance." This view quite accorded with the contention of the labour leaders. Mr. Allan explained, in answer to a question by Mr. Gladstone, that the Society of Amalgamated Engineers was a corresponding society, with branches in many countries, and the Corresponding Societies' Act was not repealed. The unions had not been allowed to register at that date, but only to deposit their rules under a provision in the Friendly Societies' Act, 1855, the value of which was *nil* in consequence of the recent decision.

14. *Legal Protection of Trade Union Funds.*—There was consternation in the ranks of trade unionists when the decision in the Court of Queen's Bench, in the case of Hornby *v.* Close, became known. The labour leaders met at once to concert measures, and the first thing decided upon was to ask the Home Secretary, Mr. Walpole, to receive a deputation, which he did on February 1, 1867, introduced by Mr. Thomas Hughes, M.P. The speakers were Messrs. Allan, Guile, Applegarth, and Odger. In reply, Mr. Walpole requested the deputation to put their case in writing, so as to be able to consult his colleagues on the subject. Mr. Henry Crompton thereupon, at the request of the Committee, drafted a Bill which the labour leaders laid before the Conference

of Trades, which Bill was adopted, and Mr. Charles Neate, M.P., took charge of it in the House of Commons in 1867. It was reintroduced in 1868, Sir Thomas Fowell Buxton taking charge thereof. But no progress was made in either Session beyond the first reading.

15. *The Recorder's Act.*—Meanwhile Mr. Russell Gurney, Recorder of London, introduced a Bill relating to larceny and embezzlement by co-partners or joint beneficial owners. The attention of the labour leaders having been called to it, some of them waited upon Mr. Russell Gurney and pointed out to him the position of trade union funds, and suggested that trade unionists were joint beneficial owners. He agreed that the provisions of the Bill would apply, but he advised that, in the then state of public feeling, it would be unwise to discuss that subject, as perhaps it might wreck the Bill. The measure was carried without difficulty, and became law on July 31, 1868. The first prosecution under the Act was a trade union secretary, who was convicted (Reg. *v.* Blackburn, 1868). Thus was legal protection, in the first instance, afforded.

16. *Trade Union Bills, 1867 and 1868.*—The General Election of 1868 had wholly changed the situation. Express and definite promises had been made by so many of the candidates elected, that we regarded it as certain that an adequate measure would be submitted to Parliament and passed. The Bill introduced by Mr. Charles Neate in 1867, and by Sir Thomas Fowell Buxton in 1868, was reconsidered, and was declared to be wholly inadequate to the occasion. Mr. Harrison thereupon drafted a Bill on the general lines of the Minority Report. Messrs. Thomas Hughes and A. J. Mundella took charge of it in the House of Commons. For a time the Bill hung fire, no progress could be made with it. A deputation then waited upon the Home Secretary, Mr. Henry Austin Bruce, to request the Government to support the measure. Mr. Bruce flatly refused to do so, declaring that they (the Government) would have nothing to do with it. What evil genius was it that again

whispered resistance to such a measure? Was it merely the traditions of the Home Office, the resultant influences of Lord Melbourne, Sir George Grey, Lord Palmerston, and others? Or were there personal influences in the Cabinet, the Government, and the House of Commons? The trade union leaders were wroth—they did well to be angry. Was this the reward for all the hard political work done during the General Election in 1868 and previously? What of unredeemed promises?

17. *A Breakfast-Table Conference and its Results.*—Things looked ominous. Discontent was abroad. An incident changed the whole policy of the Government. There was a good genius at work in the person of Mr. William Rathbone, M.P. He invited Mr. Henry Crompton, Mr. Robert Applegarth, and the present writer to meet Mr. Bruce at breakfast, to talk over the whole matter. We went. It was the longest breakfast I ever sat at. Every phase of the question was discussed in detail, minutely, and threshed out. Misconceptions were cleared away, doubts were removed, with the result that the Government decided, to the indignation of some of their own followers, to support the second reading of the Bill, thus affirming its principle; but they then tried to postpone further action until the next Session, in 1870. This was warmly resented and resisted. Pressure was brought to bear upon Messrs. Hughes and Mundella in favour of delay, but they remained firm. Treachery in the Liberal ranks was loudly hinted at, but a solution of the difficulty came unexpectedly, again an outcome of the breakfast-table conference above alluded to.

18. *Mr. Bruce Relents.*—Mr. Bruce gave notice of a Bill for the Protection of Trade Union Funds, as a temporary measure, pending further action. The Bill was backed by the Home Secretary and Mr. Knatchbull-Hugessen. It was read a first time on July 13th; a second time on July 19th; went through Committee on July 22nd; third reading on July 23rd; in the Lords on July 26th and 30th, and August 2nd and 3rd; it received the Royal Assent on August 9, 1869, as the

32 and 33 Vict., c. 61. It was to remain in force till the end of the Session, 1870. The opposition to the measure was inappreciable. Its justice was recognised; it merely provided a temporary remedy in cases of embezzlement and misappropriation of funds. It raised no questions of policy. Mr. Bruce won respect and consideration by reason of his prompt and prudent action. It was a temporary solution of the difficulty.

19. *Trade Union Congresses.*—One other important event in the sixties was the institution of Trade Union Congresses. The first assembled in Manchester in Whitweek, 1868. Previous to that conferences had frequently been held; the United Kingdom Alliance of Organised Trades, established by the Sheffield unions mainly, had called three conferences in succession—in 1865, 1866, and 1867; but the main object in those conferences was some form of amalgamation or federation. The promoters and founders of Trade Union Congresses had no such ambition. Their object was to confer annually, upon urgent questions affecting workmen and labour associations, whether the result of legislation or otherwise. It was not proposed to interfere in the legitimate work of trade unions, their organisation, mode of management, constitution, rules, or other matters of internal economy, but to promote co-operation in respect of general questions affecting labour, and watch over its interests in Parliament.

20. I. *Manchester Congress, June* 2–6, 1868.—There were thirty-four delegates, representing 118,367 members of trade unions in most of the chief cities and towns in the kingdom. The objects discussed included the Royal Commission, then sitting; protection of trade union funds; the law of conspiracy, and other laws affecting labour; conciliation and arbitration; hours of labour; Factory Acts; foreign competition; political economy and labour; picketing, coercion, and intimidation; the necessity for trade unions, &c. It decided in favour of Annual Congresses, and selected Birmingham for the next meeting. The Congress was quiet, orderly, and business-

like; the resolutions were reasonable and moderate in character, without exception.

21. II. *Birmingham Congress.*—This met on August 23–28, 1869. The second Congress was more political than the first, several political bodies sending delegates, without question. There were forty-eight delegates present, representing forty unions and associations, the aggregate membership of which was about 250,000. The subjects discussed included the Royal Commission and reports; protection of trade union funds; piece-work, overtime, limitation of apprentices; protection of miners, co-operation, conciliation and arbitration, and other questions. Labour representation in Parliament was first adopted as a distinctive policy by that Congress. London was chosen as the next meeting-place, and a committee of five were elected to convene such Congress.

22. *Work and Wages—Mr. Brassey.*—Two circumstances in the last year of the sixties require special mention. (*a*) The first was the speech of Mr. "Tom Brassey, Junior, M.P.," as he was then called, now Lord Brassey. It was delivered in Parliament on July 7, 1869, on the second reading of the Trade Unions (Protection of Funds) Bill. Mr. Brassey had been urged by Mr. Thomas Hughes and others to speak in support of that measure. He was inclined to hesitate at first; being a young member of that House he felt shy. I was asked to see him, and was introduced by Mr. Hughes. We met him at his chambers in Lincoln's Inn. After some hesitancy, he consented. His speech from, as he said, an employer's point of view, assisted very much in disarming opposition to the Bill. It was, indeed, the one important speech on the question. It was subsequently published, and ultimately expanded into "Work and Wages," a book widely read some thirty years ago, and still well worthy of perusal.

23. (*b*) "*Trade Unions,*" *by M. Le Comte de Paris.*—The second was the publication of "The Trade Unions of England," by Le Comte de Paris, edited by Thomas Hughes, M.P. It is strange but true that, up to the

date of publication, in 1869, no work of any note had appeared on trade unions. That quoted above was the first, and it had considerable merit. The author was favourably impressed by what he had seen and heard of the Trade Union movement. He wrote sympathetically of the unions and their work, and with a fuller knowledge of their objects than educated Englishmen at that time possessed. The work is now scarce, but it is well worthy of study by those who desire to become acquainted with industrial history. I was able to warmly congratulate the author when introduced to him in 1870.

24. *General Review of the Decade.*—The seventh decade of the century, called the sixties, was an important one in the history of labour. Trade unionism was extended; organisation and consolidation had been promoted; improved methods were devised for concerted action; some well-considered proposals were propounded for legislative action; a general policy was adopted as regards the attitude of trade unions on public questions affecting labour and workmen collectively; and for the first time trade unions were recognised legally by the Act for the protection of their funds. Workmen, moreover, took a more active part in political movements—in electoral reform, and the use of the vote for labour's advantage; in favour of Italian unity and freedom; Poland and Hungary; the abolition of slavery, and the maintenance of the Federal Union in America; in the promotion of fraternal relations among the working classes of all countries by the formation of the International Working Men's Association, and other public movements.

CHAPTER XX

LABOUR LEGISLATION MOVEMENTS IN THE SEVENTIES.—I.

THE previous decades had been mainly devoted to the removal of obstacles, preparing and tilling the ground, sowing the seed, and nurturing it. Some plants require a long period to blossom, and the best-bearing fruit trees need time to come to maturity ere they blossom and bear fruit after their kind. It is even more true in the animal world, each species requiring time to mature before its individual members can "increase and multiply." In legislation, inception and birth are sometimes apparently speedy, but in such cases the result is seldom satisfactory. As a general rule legislation lags a long way behind public opinion, more or less pronounced. When it is ahead of it, which is not often, it is usually a failure. In the case of labour legislation there has never been undue haste, except when the object has been suppression, or otherwise baneful. Remedial legislation was slow, very slow, and halting. It took forty-five years to advance from the repeal of the Combination Laws to a temporary measure for the protection of the accumulated funds of associated bodies which, by law, were permitted to be established. It seems almost ludicrous that trade unions should be allowed to exist, under sanction of law, and yet that their funds should have no legal protection. It was an absurd anomaly, made bitter by injustice. To steal, embezzle, or defraud were crimes, punishable as such; but if committed by an

official of a trade union, against the union as such, he could commit the offence with impunity. Fortunately the offence was comparatively rare in the labour world.

1. *Waiting—Why should Labour Wait?*—The Session of 1869 was mainly occupied with the measure for disestablishing the Irish Church; in 1870 there was the Irish Land Bill, and the Elementary Education Bill, and other measures. The labour leaders could get no specific official promise of legislation for labour or the recognition of trade unions. They were not, however, wholly impatient, for they heartily supported the political measures of the Government, and more especially the Education Bill, in spite of, in their opinion, some defects in the provisions of that measure. Some of us were during these Sessions in close contact with certain members of the Cabinet and others in the Government, and we were assured that legislation was contemplated at an early date. Mr. Stansfeld, Mr. W. E. Forster, and Mr. Bright were often seen on the subject, the two former being warmly in favour of a far-reaching measure. Then we had some good friends in the House of Commons, not in the Government—Messrs. Hughes, Mundella, J. Hinde Palmer, Serjeant Simon, Samuel Morley, Walter Morrison, Professor Fawcett, Samuel Plimsoll, Henry James, W. Vernon Harcourt, T. B. Potter, William Rathbone, and others; besides which there were many whose pledges at the General Election were more or less confidently depended upon. In most of these negotiations, in "lobbying," and other ways, the present writer took a considerable part, Alexander Macdonald, Robert Applegarth, and George Odger being his chief colleagues and helpers. Behind us were the trade unions of the country, whose officials were at hand, when needed, to accentuate our demands and support us in any action deemed to be necessary. Altogether we presented a firm front, were united in demands and attitude, and unwavering in our policy.

2. *The Trade Union Bill*, 1871.—Early in the Session of 1871 Mr. Bruce redeemed his promise of legislation

by introducing the Trade Union Bill. This was the first measure of importance ever introduced by any Government in the interests of labour generally since the Act of Elizabeth in 1562–3 (5 Eliz., c. 4). The specific acts relating to factories, mines, &c., are not here included for sufficient reasons—they will be dealt with separately. The repeal of the Combination Laws and the amendment of the Master and Servant Acts had been initiated by what is singularly called "private" members, meaning only that they are not in the Ministry or officially connected with the Government.

3. *Trades Congress Convened.*—Acting on behalf of the Committee of the Trades Congress of 1869, there being no Congress in 1870, and also of the Committee of the Trades which had watched on behalf of labour the inquiry by the Royal Commission, and had taken such action thereon as was deemed to be expedient, I ascertained as early as possible the probable date when the Trade Union Bill would be introduced, so that the next Congress, fixed to be held in London, should assemble immediately after the introduction and first reading of that Bill. The meeting was so well timed that the Congress met on the 6th of March, 1871, in the Portland Rooms, London, the Bill being before us.

4. III. *The Trades' Congress, London*, 1871.—The Congress programme was a long and varied one, but the principal question discussed was the Trade Union Bill, and the effect of its criminal provisions. The Bill proposed to repeal the 6 Geo. iv., c. 129, and to substitute therefor clause 3 in the Bill. It was against that clause that the Congress protested, in which protest all other trade unions not represented at the Congress joined. On March 9th the Congress delegates waited upon Mr. Bruce as a deputation, by previous arrangement, when the views of those present were definitely expressed. As secretary to that Congress I was appointed one of the speakers, and I stated that in my opinion the magistrates would so construe the clause objected to that it would lead to convictions such as had never taken place under

the old law of 1825. Mr. Bruce stopped me by declaring that the provision was not so intended, and said that he could not enter into a discussion which anticipated the possible decision of the courts. I replied that at least the deputation was entitled to anticipate eventualities, but Mr. Bruce dissented. It turned out, however, that I was right, as subsequent convictions proved. If a Minister of the Crown is not to anticipate the possible construction to be put upon the provisions of a Bill for which he is responsible, where is his statesmanship?—where his foresight?

5. *Condemnation of Trade Union Bill.*—The Congress was dissatisfied with the Home Secretary's reply and attitude, and condemned most severely clause 3 of the Bill. The Congress before separating elected the following committee, in order named, to act on its behalf, to watch over the Bill, and take such action as they thought fit: Messrs. George Howell, George Potter, Alexander Macdonald, Lloyd Jones, and Joseph Leicester. The committee met on March 14th, and drafted a circular to the trades, signed in the order as above. It contained the resolution of the Congress as follows: "That this Congress, having reconsidered the Trade Union Bill in connection with the explanations and representations of the Home Secretary (given at the before-mentioned deputation) hereby resolve: That whilst they are anxious to obtain from Parliament any legislation that may enable them to carry forward their efforts on behalf of the legitimate interests of their fellow-workmen, they refuse in any way to sanction any Bill that in its provisions presupposes criminal intentions or tendencies on the part of English workmen as a class." To that resolution was added: "If consistent with your sense of duty to the country, we should feel greatly obliged by your opposing the criminal provisions of the Trade Union Bill."

6. *Protest of the Trades.*—That circular was sent to every member of Parliament on March 15th, so as to be in their hands on the following day. On March 17th the above members of the Congress Committee invited

the committee of the Conference of United Trades to meet them, to whom was explained what had taken place. That action was approved. At a formal joint meeting held on March 28th, of the two committees, a joint protest was agreed to as follows: "We, the undersigned, for and on behalf of the trade unionists of the United Kingdom, authorised and empowered by the Trades Union Congress, recently assembled in London, and by the Conference of Amalgamated Trades, do hereby protest against any such legislation as that attempted by the third clause of the Government Trade Union Bill, based as it is on the assumption that acts contrary to law and order are done and sanctioned by the trade unions of this country, feeling confident as we do that the Common and Statute Law is sufficient to punish every unlawful act committed either by trade unionists or any other persons. We, therefore, refuse in any way to sanction a Bill that in its provisions presupposes criminal intentions or tendencies on the part of working men as a class.—Signed, George Potter, chairman; George Howell, secretary to the Trades Union Congress Parliamentary Committee; William Allan, chairman; Robert Applegarth, secretary to the Conference of Amalgamated Trades."

7. *Measure Withdrawn—New Bills.*—The effect of this prompt, energetic, and united action was immediate. The Government resolved to separate the criminal from the other portions of the Bill. Two Bills were consequently immediately issued; one, "The Trade Union Bill," the other, "The Criminal Law Amendment Bill." That, of course, did not get rid of the difficulty, especially as the Government decided to take them *pari passu*, as though they were parts of one measure, as really they were. Again the evil genius was busy at the Home Office in the shape of tradition, or personally in the ranks of those who supported the Government in spite of pledges given in the General Election of 1868.

8. The members of the Joint Committee named above were vigilant, almost ubiquitous. They interviewed members, addressed meetings, promoted petitions, met

Ministers and members of the Government, and endeavoured in every way to prevent the Criminal Law Amendment Bill from passing; all without avail. The measure was even strengthened by Lord Cairn's amendment in the House of Lords by the substitution of "with one or more persons" for "two or more."

9. *Opposition to the Workmen's Demands—A Review.*—The opposition that met us in some quarters was unexpected, and was, in particular cases, strongly resented by the labour leaders. It would be ungenerous now to specify instances and mention names. The members of Parliament who strenuously resisted our demands have nearly all passed away, and those living are no longer in Parliament. When they were alive and in active public life I had, as secretary to the Parliamentary Committee, to fight them face to face, and never shrank from the duty. My name was usually attached to all I wrote, and my references in speeches were reported. I was sometimes called over the coals, but on the whole there was little to complain of in the attitude of those whom I criticised and opposed. Many of them were co-workers with us in other movements, and we mutually supported causes in which we agreed. Our resentments were not personal, and if sometimes warm did not last long. In one or two instances men refused to sit with us on committees, in which cases we gave way, as they could give money, while we could only give work. Yet their money was nearly useless without our work.

10. *Supporters of Labour's Cause.*—It seems almost invidious to mention names in this connection, but some deserve to be named. In the House of Commons were Messrs. T. Hughes, A. J. Mundella, S. Morley, W. Rathbone, P. A. Taylor, J. Simon, W. Morrison, T. Brassey (now Lord Brassey), Professor Fawcett, S. Plimsoll, J. Hinde Palmer, M. T. Bass, G. Anderson, Dr. Brewer, A. S. Ayrton, G. Dixon, J. Howard, &c. Out of the House were Frederic Harrison, Henry Crompton, Albert Crompton, J. M. Ludlow, Professor Beesly, R. S. Wright, and others, but of those Mr. Harrison and

Mr. H. Crompton bore the brunt of the fight. The absence of some names in the members' list may be explained by the fact that they supported the Government as a first duty, but they were not necessarily opponents of the workmen's demands.

11. *The Trade Union Act*, 1871.—This Act is now well known, and therefore it is only needful to merely indicate the changes effected by it. For the first time in history the Act of 1871 made combinations—trade unions—lawful, giving to them advantages which had hitherto been denied to them. The law, as it stood, was so intricate and slippery that a bare enactment legalising trade unions was deemed to be impossible. They had to be legalised by special enactment, making them lawful associations, with a certain legal status in courts of law, and at the same time preserve their internal economy, of organisation and management, from mischievous interference by litigation. Mr. Bruce, it may be said, understood this point well, and resisted any pressure put upon him by open and secret foes to the Bill to make any provision in the measure for unions to sue and be sued, which would have become a means of destroying the unions. It has been said that some of the unions desired this power. But that I deny. I challenge contradiction when I say that there was no proposal by any of them for such a provision. The first hint of it was at the Glasgow Congress in 1875.[1] The subject was mooted in some quarters and it was discussed with Mr. Bruce, but neither he nor any of our friends and supporters, in the House or out of it, favoured the insertion in the Act of 1871 of any such powers. It was intentionally omitted from the Bill, and no proposal to insert it was ever made at any stage of the measure. And I venture to say that no court, however high, not even the House of Lords, can legitimately read into an Act of Parliament anything that was intentionally left out of it. Whether the decision of Mr. Justice Farwell be right, as a matter of equity, apart from Statute Law, is another question, one that I need not enter into here.

[1] See Chap. XXXV. par. 31.

I limit my objection to the intention of the legislature, as that seems to have been referred to in the House of Lords. If I am wrong in my contention there are at least half a dozen men still living who can speak to the contrary Judge-made law is a danger. That was admitted in Parliament in the debates on measures in 1873-75. Judges are not infallible. They may err, though the motives be of the highest, and their intentions unquestionable.

12. *Summary of Sections.*—By §§ 2 and 3 the resulting consequence of the old doctrine of "restraint of trade," by which at Common Law all agreements and combinations to withhold labour in concert were held to be illegal, was repealed. To this extent also the law of conspiracy was repealed. By § 4 interference by courts of law with internal organisation and management was averted; § 5 exempted trade unions from the provisions of the Friendly Societies' Acts and the Companies' Acts. Then, in §§ 6 to 12 are re-enacted in almost identical terms certain sections of the then Friendly Societies' Acts. The conditions of registration are provided for in §§ 13 to 17. By § 18 to give false or pretended rules to a member, or candidate, is made a misdemeanour; § 19 relates to legal procedure; §§ 21 to 23 provided for appeal from summary decisions. Then follows definitions, &c.[1]

13. *The Criminal Law Amendment Act*, 1871.—This Act repealed the Combinations of Workmen Act, 1825 (6 Geo. IV., c. 129), and substituted therefor another special penal statute against workmen. The old statute was vague and indefinite, and had been interpreted and construed in the harshest way by justices and judges, and consequently had inflicted great injustice upon workmen. The decisions thereunder had been so conflicting that they had rendered it almost impossible for workmen to know what acts were criminal and what were not. These were some of the reasons adduced for repealing the Act of 1825. But as regards picketing, the then latest decision by Mr.

[1] See "Trade Union Law and Cases" (Cohen and Howell, 1901).

Justice Lush, with which Baron Bramwell expressed his concurrence, established it as clear law that picketing—the simple act of accosting a workman and an effort to influence his conduct by reason and persuasion—was a lawful proceeding. Consequently the position of workmen during a strike was much safer than it had been. Those who had watched the course of events in Parliament, and the debates on the subject, and had carefully considered the provisions of the new Act, saw that it was extremely probable that workmen would be safe no longer in this respect. It is not suggested that either the Government or Parliament intended to go beyond the Act of 1825; but vague penal laws are generally carried further by interpretation than was originally intended. It had been so previously, and therefore labours leaders and their advisers thought it likely to occur again, and consequently they cautioned workmen and told them what might be expected, and to prepare for it.

14. *Digest of Acts of* 1871.—In the Memorandum and Digest of the Trade Union Act, 1871, and the Criminal Law Amendment Act, 1871, prepared by Mr. Henry Crompton, which Mr. Frederic Harrison, and Mr. Albert Crompton, approved and signed and also, on behalf of the Trades Union Congress, Messrs. George Potter, chairman; George Howell, secretary; Alexander Macdonald, Lloyd Jones, and Joseph Leicester, members of the Committee, and by them published in 1871, the Trade Union Act is thus referred to: "In spite of many minor defects, it is substantially a good and honest measure. It is a complete charter legalising unions. If this were all, had the Government done so much and nothing more, they would have been entitled to the gratitude of the working classes for fully and faithfully redeeming the promises they had made."

15. *Coercion under New Act.*—The verdict upon the Criminal Law Amendment Act was: "The whole of this statute must be repealed." The reasons are assigned in a careful analysis of its provisions as follows: "The new Act has been passed to prevent coercion among workmen.

It does so in an exceedingly involved and difficult way. It does not make coercion a crime—that would be an absurdity; but it makes a number of acts, many of which are perfectly harmless and legitimate in themselves, crimes when done by workmen in reference to their employment, and *with a view to coerce*." It is then pointed out that in order to determine whether a given act is a crime according to this statute, it is necessary to go through three stages to consider: (1) Whether the act done comes within those mentioned in the Act; (2) whether it was committed in one of the cases of employment enumerated; (3) whether it was done "*with the view to coerce*."

16. *Drafting of the Provisions.*—It follows from the above that the first section of the Act was difficult to interpret by those trained to interpret the English law, even when not complicated, as in this case, with the question of conspiracy. "Coercion" was the essential ingredient in the offence. The Act was meant to put it down or punish if the offence was committed. Everything depended upon the meaning of "coercion," yet there was no definition in the Act, no limitation of it, so as to prevent its being interpreted beyond what was intended. This vagueness alarmed the labour leaders and their friends, and the result, as determined by the operation of the Act, justified their fears. The danger was foreseen that moral "coercion," or the influence one citizen may legitimately exercise over another, might be construed as "unlawful coercion."

17. *New Powers under the Act.*—The first subsection created no new offence, but it extended the summary jurisdiction of magistrates in cases of offences against the person or "malicious" injury to property when committed by workmen. The second subsection gave a new power to magistrates in the case of "threats" to workmen. A threat was not previously punishable by law, not even a serious threat; a magistrate only had power to compel the threatener to find bail for good behaviour, if the person threatened was apprehensive of danger. This subsection gave to the magistrates power in the case of threats by a

workman, to sentence him summarily to three months' hard labour. Subsection 3 was aimed specifically at picketing. Persistently following a person from place to place was made a crime, if done by a workman "with a view to coerce." In other cases persistently following was not a crime, even if the object and intent of the person persistently following was to commit an offence. What was complained of in this case was that the word "coerce" was vague, undefined, and capable of the widest interpretation in cases of labour disputes. Had this word been properly defined there would have been less objection to the clause. But even then there was a civil remedy in all other cases—why make it a criminal offence in the case of workmen?

18. *The Lords' Amendment.*—The clause aimed at rattening was not objected to except that some thought it a little too wide. But of this there was no complaint. The last clause of the subsection was regarded as most dangerous, especially as amended in the House of Lords. Mr. Bruce himself said of it, "any man standing by a factory door might be convicted under it." The Government protested against the amended clause, but it was carried in the House of Commons by the votes of some of their own supporters. I sat under the gallery on that night and heard men on the Liberal side speak in favour of the Lords' Amendment. I wrote a description of the scene, naming the several speakers. It was published. I justified my action when called to account, and referred members to their promises. It was otherwise "an unreported debate;" I acknowledged the authorship. The members referred to were angry at the time, but we were good friends afterwards. It was my duty to be present and to watch. I was secretary to the Parliamentary Committee and responsible to them. I had to report at the next Congress, and any remissness on my part would have been blameable.

19. *Conduct of the Liberal Party.*—It will have been observed that my remarks upon the conduct of the Government and House of Commons concern mostly the

Liberal Party and its supporters. If the reasons are not obvious the following explanation will make them clear. The labour leaders considered that they had a claim upon the Government then in power, while they had no such claim upon the Tory or Conservative Party. We had worked incessantly in most of the constituencies during the General Election of 1868 to place the Liberals in office with a swinging majority; and it was admitted at the time that the work was well done. It was done without cost to the candidates, for a rule was laid down and adhered to that in no case was there to be any claim upon the election agent, committee, or candidate for expenses. I never heard that the above rule was departed from. The representatives sent all over the country were in general sympathy with Mr. Gladstone's policy, and supported it, with the important addition of two items—the protection of trade union funds, and generally the recognition by law of those bodies. Therefore we claimed, in return for our work, the fulfilment of promises given, freely in most cases, reluctantly in a few others. Rightly or wrongly, we regarded the then Tory Party as political foes, and endeavoured to defeat its candidates wherever possible. I am perfectly frank about this; the facts were patent at the time. Of course, under such circumstances we had no right to expect concessions from the Opposition. We did not, and, so far as I remember, none were given. This explains why we were exacting as regards the Liberal Party and its supporters.

20. *Digest of Acts and Protest.*—The Digest of the Acts, the Report thereon, and a copy of the two Acts, were prepared and issued as a manifesto. It condemned the Criminal Law Amendment for reasons given; entered a protest against such legislation, and demanded its repeal. This was signed, as before stated, by the three barristers named, and by the "Trades Union Congress Committee," and extensively circulated. The concluding portion of the manifesto was, in brief, as follows: The country was reminded that in the debate on the Bill of 1869 the House of

Commons had, by assenting to the repeal of the Combinations Act of 1825, really accepted in principle that for which workmen had persistently contended—"justice and equality before the law; that acts which are not crimes when done by the upper and middle classes should not be crimes because they are done by workmen." This Act "repeals the Combination Laws, but it creates a new series of laws of the same character, which are in some respects worse, more dangerous to liberty, more calculated to give rise to disorder and violence, and most certain to embitter the feelings which unhappily exist between capital and labour. Parliament has deliberately endeavoured to strengthen the hands of the capitalists at the expense of the liberties and independence of the working classes." After declaring the willingness of the working classes to support legislation for the suppression of crime, and for the punishment of lesser offences, it condemned the conviction of "innocent and even virtuous acts into crimes" to handicap labour. It concluded: "In the name of the working classes we offer this, our solemn protest, against the injustice which Parliament has enacted. We hold that peace and order are the basis and the condition of social and political progress; but neither peace nor order can be lasting if they are not founded upon justice and equality before the law."

CHAPTER XXI

EFFORTS TO REPEAL THE CRIMINAL LAW AMENDMENT ACT, 1871

THE Fourth Trades Union Congress was fixed to take place in Nottingham, commencing on January 8, 1872. The Digest, Report, Copy of Acts, and Protest referred to in the previous chapter were extensively circulated in anticipation of that gathering. As secretary to the Committee I watched with care every case reported under the new Act, in order to ascertain the effects of its provisions as administered. The two measures became law on June 29, 1871. They had been purposely run together, side by side, as if the one was the complement of the other; and both received the Royal assent on the same day. In effect, therefore, the Criminal Law Amendment Act was as bad as if it had continued as part of the original Trade Union Bill. Yet, in the end, the separation one from the other was advantageous, because in demanding the repeal of the one the other was left untouched. It soon became evident that our worst fears would be realised. My own predictions before the Home Secretary, at the deputation on March 9th, were fulfilled to the letter. Cases arose under the Act as early as July 12th, and by August 18th many cases had occurred in Gateshead and Newcastle, all of which were noted. In all instances where convictions took place, and they were not a few, no such conviction of a similar kind is reported to have taken place under 6 Geo. IV., c. 129, thus completely justi-

fying our contention as to the effect of the new Act. Every such prosecution, especially if conviction followed, accentuated our indignation against Parliament, and our condemnation of the policy of the Government which had landed labour in a quagmire.

1. *Report of Parliamentary Committee.*—As secretary to the Committee it fell to my lot to prepare the Report for the year 1871, in which is given, in some detail, the work of that Committee. After reprinting the reports on the original Bill, and the Protest made at the time, it gave a brief account of the action of the Committee, the division of the measure into two Bills; the constant efforts, by deputations, interviews with members of Parliament, &c., to get the Criminal Law Amendment Bill withdrawn; and then to obtain the rejection of Lord Cairns' amendment, when nothing else could be done. The action of the Lords had been so prompt that a deputation to the Home Secretary could only be hurriedly called together in the Members' Room at the House of Commons on the night of the Report. Mr. Bruce was too ill to be present, but he was represented by Mr. Winterbotham, Under-Secretary of State. The deputation was large and influential, many members of Parliament being present. As a result of that interview Mr. Winterbotham, on behalf of the Home Secretary and the Government, gave notice to move the rejection of the Lords' amendment. So far we were satisfied with the action of the Government. The division took place on June 19, 1871, when the Lords' amendment was carried by 147 to 97 against—majority against labour, 50. We gave an analysis of the voting at the time, and reported it to Congress. It was found that in the majority list there were 130 members representing leading centres of industry; of these 101 were Liberals and 29 Conservatives. We posted their names, and left further action to the several constituencies which the aforesaid members represented.

2. *Members of Parliament and Coercion.*—The following

extracts from a report issued by the Committee at the time, and repeated in the Report to Congress, may be of interest, especially as the latter is scarce and rare; perhaps the only complete copy extant is that in my possession. It says: "We leave the list to the judgment and concerted action of the trades' societies in those constituencies whose members spoke and voted against us, and that, too, after the Government had moved to disagree with the Lords' amendment, thus voting against their party in the interests of their class, and decidedly to the detriment of trades' societies. We also leave to you the culpability of those who were absent from the division, and thereby played into the hands of our enemies. . . . The analysis of the voting list shows that nearly all the representatives of the great centres of industry either voted for the Lords' amendment or absented themselves from the division. Let the organisations note this fact, and compare it with the professions on the hustings, where most of the men [named] promised to vote for an honest Trade Union Bill." The acute soreness then felt by the labour leaders is painfully evident in the above extracts from the Report. Perhaps that which hurt most was the bad faith shown by men who had been helped into Parliament by the energy, advocacy, and loyalty of the labour leaders, and by the votes of workmen appealed to by them in the various constituencies. Some painful instances could be quoted, but the men are gone, the occasion is past, and we live in better times.

3. *Digest of Acts and Future Work.*—The Committee formally presented and commended to Congress the Digest of the two Acts, drawn up by Mr. Henry Crompton, and carefully revised by his brother, Mr. Albert Crompton, and Mr. Frederic Harrison, together with the reprint of the Acts, and the report thereon, signed by the above, and by the whole of the Committee. They also communicated reports of cases under the Criminal Law Amendment Act, to date, together with an able paper thereon by Mr. H. Crompton. The

Report says: "From this it will be seen that all the evils predicted in the Digest (and also by speakers at deputations, &c.) have come to pass, and hence the necessity for immediate action by this Congress." It adds: "Your Committee, after careful consideration, feel that their only course is to recommend the repeal of the Criminal Law Amendment Act, as no amount of modification or amendment can correct sufficiently its mischievous provisions, or obliterate its implied stigma upon the trade unionists of the United Kingdom."

4. *Draft Bill on Arbitration.*—The Committee also presented to Congress a draft Bill, prepared by Mr. Rupert Kettle, on arbitration, as directed to do by the London Congress, together with references to existing Acts. They further reported that Messrs. Samuel Morley, Thomas Brassey, W. H. Smith, A. J. Mundella, and Thomas Hughes had consented to back the Bill.

5. *Expenditure of Parliamentary Committee.*—The balance sheet presented showed that the total income of the Committee for the past year, March 8, 1871, to January 4, 1872, was £16 16s. 0d. The expenditure was £17 6s. 8d.; due to treasurer, 10s. 8d. With the exception of one guinea, cost of deputation, the entire amount—£17 6s. 8d.—went in printing and postage. All the time and labour were given gratuitously, freely, joyfully. Those who alleged that the unions were spending money freely were in error. Some asserted it malignantly, in the hope of tainting the reputation of the labour leaders, by accusing them of using the unions for their own pecuniary advantage. But the mud did not stick. The trade unionists of the country knew better. They would have known from their own reports and balance sheets if money had been voted. And here let me say that, if it had been, it would have been perfectly justifiable, as the work done was for their own benefit. The sneer of "bloated delegates" is not now much heard; then it was common. The age has changed, so have the manners in this respect.

6. *Prosecutions under the Criminal Law Amendment Act.*—There is no need now to go over the list of cases referred to in Mr Crompton's paper, as a longer and more complete list will be dealt with later on. For the sake of clearness the whole of the cases—the memorials to the Home Secretary, and deputations to him, &c.—require to be grouped together, as nearly as possible in chronological order, to see their true bearing and judge as to results.

7. IV. *The Nottingham Trades Congress, January 8 to 13, 1872.*—At that Congress there were 77 delegates, representing 63 societies, with an aggregate membership of 255,710. Twelve of the societies or bodies represented were political or general. At that period no exception was taken to associations other than trade unions. That came at a later date, when an attempt was made to use the Congresses for party or personal purposes. Then followed exclusion.

8. *Reception by Mayor and Council.*—The Nottingham Congress was notable for the splendid public reception given to the delegates in the Town Hall, lent for the occasion, and the magnificent banquet given to them by the Mayor, who presided in the full dress of his office, chain and all. He was supported by Mr. Samuel Morley, M.P., Mr. A. J. Mundella, M.P., and most of the local celebrities. Besides which the townspeople feasted the delegates with breakfasts, luncheons and dinners, and entertained them with soirées in the evening. The example then set has been followed in subsequent Congresses, but Nottingham still holds the place of honour in this respect.

9. *Congress and the Committee's Report.*—The report of the Committee was adopted, and their action approved. The Congress resolved to agitate for the repeal of the Criminal Law Amendment Act; for Bills to regulate mines; for compensation to injured workmen; to abolish truck; for weekly payments of wages without stoppages; for the appointment of efficient inspectors under the Factory and Workshop Acts, and amendment

of the Friendly Societies' Act. There were papers and discussions on foreign competition, use of trade union funds, organisation of trades councils, and other matters.

10. *Constitution of Congress.*—The Congress adopted a series of standing orders for the government of future Congresses; decided against the reading of papers, except in special cases, and then only subject to approval by the Standing Orders Committee. A Parliamentary Committee of ten were elected for the year 1872. The work, on the whole, was well done; its programme for the next Session was excellent, being clearly mapped out for the Committee.

11. *Working for Repeal of Criminal Law Amendment Act.*—The Trades Congress having unanimously resolved to agitate for the repeal of the Criminal Law Amendment Act, empowered the Parliamentary Committee to take such action as they deemed fit to carry out the Congress's instructions. The Committee was similarly authorised to take such steps as to them appeared desirable in respect of the other matters before the Congress, and especially those affecting labour by legislation. The order was a large one, for the session of 1872 was a memorable one in the annals of legislation, as regards what might be termed political measures, and also those affecting industry.

12. *Memorial to the Home Secretary—with Cases.*—The first duty of the Parliamentary Committee was to approach the Home Secretary on the subject of penal legislation respecting labour in the previous Session. This was done by a carefully prepared memorial, to which was appended a complete list of cases before the courts, from the passing of the Criminal Law Amendment Act to the date of the memorial—middle of March, 1872. The memorial was signed by Alexander Macdonald, chairman; William Allan, treasurer; and George Howell, secretary of the Trades Union Congress Parliamentary Committee. The memorial set forth that it represented the views of over 375,000 trade unionists,

present by delegation at the Congress, and as many more indirectly who regarded the Act "as an instrument of oppression," as shown in several of the cases adduced and submitted.

13. *Comments and Criticisms on the Act.*—The memorialists then went on to submit: (1) That the Act presupposed criminal intentions on the part of trade unionists; this was in itself an act of injustice caused by imperfect knowledge as to the aims, objects, and working of trade unions. (2) That any act of violence against person or property, either by an individual or by combination, was fully met by the Common Law, as to assault, and by the general Statute and Common Law, as applied to all other subjects of the realm; the application of a special law to the artisan classes cannot but be regarded as a special wrong, they being as incapable of openly or secretly violating either the letter or spirit of the laws of the land as any other portion of the subjects of the Queen. (3) The Home Secretary's attention was directed to the numerous cases of prosecution under the new Act, and to the great injustice, and even cruelty, inflicted by the way in which the law had been interpreted and enforced. With regard to cases of violence we had no apology to offer. These, we all admitted, should be punishable, all such acts being, in point of law, assaults (4) That were a new law necessary to punish offences not otherwise provided for, there were no definitions where there ought to have been, and where given were vague and uncertain, causing hardship in the cases quoted, and likely to do so in the working of an exceptional and class-made Act. The memorial urged the Government to bring in a Bill to repeal the Act, or support such Bill if introduced, as it operated most disadvantageously to the working of the Trade Union Act. If repeal were not possible, then that the most objectionable provisions be amended.

14. *Summary of Cases.*—The cases submitted to the Home Secretary consisted of the best newspaper reports in each instance, without alteration or comment. The

source from whence taken was given, so that their accuracy could be tested. It is unnecessary to reproduce them, except briefly, here.

(*a*) The first cases arose out of or in connection with the engineers' strike for the nine hours at Newcastle-on-Tyne and Gateshead, August, 1871. (1) A youth, seventeen years of age, charged with throwing stones. Was not mixed up with the strike, yet charged with intimidation. No prosecutor, so this charge broke down. Convicted, on evidence of policeman, of throwing stones, which youth denied. Sentenced to fourteen days' imprisonment. (2) A miner charged with intimidation, another man charged with same offence. Bad language used; each sentenced to two months' imprisonment. (3) A youth, eighteen years of age, charged with causing annoyance, by disorderly following. No prosecutor, charge withdrawn, but fined 2s. 6d. and costs. The youth denied the charge *in toto*. (4) August 14th, several charged with intimidating and assaulting foreign workmen. Some imprisoned for six weeks, others to two months. Charges denied in each case. (5) A policeman charged with assault, arising out of case under the Act; evidence said to have been conclusive. Case dismissed. (6) Previous to these there were charges of intimidation against three men on July 12th; charges withdrawn on promise of the men not to repeat the offence. In the preceding instances the complaint made to the Home Secretary was that, in ordinary circumstances, a fine or bond to keep the peace would have sufficed, that the punishment of imprisonment was excessive as compared with the offence. The conduct of offenders in cases proved was not excused, but a just leniency was suggested.

(*b*) The following and subsequent cases were reported at greater length, as the element of personal violence did not so directly arise in the charges before the magistrate.

(1) "Thomas Dorrington, charged (Gateshead Police Court) with unlawfully molesting certain workmen by watching the approach to works with a view to coerce such workmen to quit their employment." The charge was simply one of picketing and distributing handbills. Asked by a police officer what he was doing, he refused to give an explanation, and was thereupon taken into custody. The magistrates' clerk suggested that prosecuting counsel must alter the charge before proceeding further. Prisoner's counsel protested, and asked that he be discharged, as "he had been arrested on a charge that was untenable." The magistrates' clerk again interposed—"the man was charged with molesting workmen, not masters, and therefore defendant must be discharged upon that charge, and another preferred." The man was thereupon charged with "molesting or obstructing the

masters, with the view of coercing such masters to dismiss or cease to employ some workman." The evidence was to the effect that the man walked up and down near the works and gave away some bills. "Without calling upon counsel for the defence, the bench discharged the prisoner." Another man, not charged, but said by one of the policemen to have been in the company of Dorrington, affirmed in a letter, published in the *Newcastle Daily Chronicle*, that the "statement concerning me is a gross falsehood;" and that the further statement, that he "walked up and down and was watching the factory gates," is an "unmitigated falsehood." He added: "I was never in the company of Mr. Dorrington in the streets," and had nothing to do with the distribution of bills.

(*c*) (2) John Kennedy was charged at the Gateshead Police Court on April 8, 1871, with intimidation. The complainant in this case stated that Kennedy had said he (John McPherson) would "catch it" if he continued work, as the men were on strike. The evidence was so unsatisfactory that the magistrates said they had "great pleasure in dismissing the case. But the young man had been in custody for five days, and his counsel protested that he was detained without the shadow of a case against him." Counsel further protested against the remarks of one of the magistrates, who justified the arrest, and pointed out that, as an employer in the trade in which the dispute existed, he had no right to sit and adjudicate. The magistrates' clerk confirmed this.

(3) John Lamb, 35, charged at the Newcastle Police Court, on August 15, 1871, with "assaulting, threatening, and intimidating a workman" at Sir William Armstrong's works. The evidence was conflicting, and as the question of jurisdiction arose the case was dismissed.

(4) Daniel Weallans, 20, at same court, on August 17th, charged "with watching and besetting." The evidence broke down and the prisoner was discharged. In all the above cases the men were arrested on the spot, without warrant; no summons issued in either case.

(5) Richard Larner, 45, arrested on warrant "for unlawfully threatening and intimidating" T. J. Waters. Charged at same court on same date. The prisoner called the complainant a "blackleg" and threatened him. Sentenced to imprisonment for two months. Counsel contended that the case would be met by binding over prisoner to keep the peace, as in all other such cases, under the general law of the land.

(*d*) (6) Alexander Barnes, 50, charged at same court on the same date with "being drunk and disorderly and using intimidating language." Prisoner denied part of the evidence, but the magistrate said the case was proven. Sentenced to imprisonment for two months.

(7) George Ramage, a lad 15 years of age, charged with shouting something through a window, policeman did not know what. Taken into custody. Prisoner discharged, on promise not to offend again. But

what was the offence? Shouting from a room, through an open window, the words used not being known!

(8) John Elliot and William Morgan charged with violently assaulting an interpreter. Prosecuting counsel admitted that there was no evidence of assault by these men. The charge was withdrawn, and the young men were discharged. These were two apprentices, and they were arrested, without proof of evidence, by the police.

(9) Andrew Watson, 45, arrested on warrant, charged at same court, on August 19th, with threatening and intimidating George Marman. It was shown that prisoner was drunk. Sentenced to one month's imprisonment.

(10) Same court, same day, James Wise, 30, arrested on warrant, charged "with threatening and intimidating" Charles Millar. Prisoner was drunk, called complainant a "blackleg." Sentenced to one month's imprisonment.

(11) On August 18th, three engineers, Henry Gunston, George Rock, and John Burns, charged at the Gateshead Police Court with "loitering on a footway"—a case of picketing and distributing bills. Evidence insufficient to commit, and the case was dismissed. The Bench: "And now, my men, take care and don't do it again."

(*e*) (12) On the same date, and at same court, Robert Finch and George Rock were charged with obstruction and giving away handbills. The only evidence was that of two policemen, one of whom took Rock by the collar and wrested the bills out of his hand, when Rock threatened to summon him. The Bench fined them 2s. 6d. each and costs—total 11s. 6d.—or fourteen days' imprisonment in default.

(13) At same court, on same date, eight other men were charged with a similar offence. Chief constable Elliot, who appeared as prosecutor in these and the previous cases, asked leave of the bench to withdraw the charge. The men were asked to promise not to do it again. Counsel opposed, but promise given. In all the foregoing ten cases the "offence" charged was simply delivering handbills in the public streets, and technically obstructing the footpath. For this offence the men, if charged at all, should have been charged under the local Acts by the chief constable, whereas the charge was brought against them under the Criminal Law Amendment Act. Thus the police and the law were used, in the employers' interest, against the men in the engineers' strike at Newcastle.

(14) The following case was somewhat singular: At the Leeds Assizes, on August 14, 1871, the case of Purchon *v.* Hartley and others was heard. Purchon was a co-member, with defendants and others, of the Glass-bottle Makers' Society, and he alleged that the members of the branch tried to oust him as foreman from the firm, and make the firm a non-union shop unless he was discharged. A deputation waited upon the employer, with the result that complainant was discharged. He thereupon entered an action for damages. "There was quite a cloud of witnesses for the defendants," said the *Newcastle Chronicle*, but the jury found for the plaintiff, £300

damages. This case was included in the list only because of the date of the action, so as not to exclude any, but it was a civil action for damages, and therefore not under the Act in question.

15. *The Hammersmith Case.*—(15) The following case excited a good deal of feeling at the time. At the Hammersmith Police Court, on January 11, 1872, George Turk appeared on "summons taken out under the Criminal Law Amendment Act, 34 and 35 Vict., c. 32, § 1, relating to violence, threats, and molestation." The prosecutor was one of the firm of engineers where there was a strike. The men had requested the firm to concede a nine hours' day. The firm refused on account of contracts on hand, but offered to accede to the request in three months' time. The men refused to wait, and gave in their notices—Turk among the number. He was charged with delivering a handbill in the street where he lived, opposite to the employers' premises. The handbill was exceptionally mild; the strongest passages were as follows: After stating the cause of strike, it said, "We, therefore, appeal to you as fellow-workmen, not to enter into any engagement with our late employers unless on the condition that the nine hours per day commence at once. *By so refusing you will forward our cause*, as well as your own as working men." The words in italics were quoted to show that "coercion" was used. The magistrates "ordered the defendant to be imprisoned for two months."

16. *Appeal and its Results.*—Notice of appeal was forthwith given, but two days had elapsed before bail had been accepted, and the man—George Turk—was liberated. Meanwhile he had to suffer the disgrace of "the prison crop" and worked "on the treadmill with common felons." The appeal had not been heard at the date when the list was compiled, but I give the result here to avoid having to recur to the subject. The appeal came before the Middlesex Sessions on April 27, 1872. Mr. Henry James, Q.C., M.P. (now Lord James of Hereford) and Mr. Croome appeared for George Turk; Mr. Francis

appeared for the prosecutors, Messrs. Gwynne & Co., engineers, Hammersmith. When the case was called prosecuting counsel stated that "he was instructed to offer no evidence on the part of the prosecution, and consequently the case would be withdrawn." Defendant's counsel (Mr. Henry James) said "he was quite prepared to go into the case, but he had no alternative but to accept their proposal to withdraw from the case." The conviction was quashed accordingly. The ending of this case was very unsatisfactory to the committee who provided funds for the defence and appeal, and they applied to the solicitors, through Mr. H. Stokoe, the secretary, to know what they could do to carry the matter farther, or compel the prosecutors to pay the costs. They could do nothing. The firm had by their action intimidated their workpeople; Turk was convicted, and treated as a felon; and then the committee had to pay all the costs and expenses of the defence. But the case had this good result—it led to joint action by Mr. H. James, M.P., and Mr. W. Vernon Harcourt, M.P., and the Trades Union Congress Parliamentary Committee for the repeal of the Act.

17. *The Bolton Case.*—(16) Thomas Wearden, member of the Masons' Society, and "shop-steward" thereof at Bolton, was charged with besetting the place where Thomas Cooper worked, with a view to coerce him to pay a fine of 40s., imposed by the Bolton branch of which he also was a member. Cooper refused to pay the fine or an instalment thereof. Wearden then went to the foreman, and after dinner the men picked up their tools and went away. On the following day the men resumed work, Cooper having meanwhile been discharged. The latter thereupon summoned Wearden for molestation. No threat was made; an instalment of a fine was asked for; but the man was discharged. The magistrates committed defendant for one month.

18. *Appeal: Conviction Quashed.*—The case was regarded as of sufficient importance to warrant an appeal, and notice thereof was at once given, the man Wearden being admitted to bail. The appeal was heard before the

Recorder of Bolton. The case was argued at great length, the Recorder taking an active part in the discussion. It was contended that Wearden molested Cooper by besetting the place where he worked with a view to coerce him to pay 5s., part of a fine imposed by the Stonemasons' Society. Mr. Leresche and Mr. C. H. Hopwood argued that there was no legal offence, and much attention was given to the definition of the word "beset." The Recorder quashed the conviction, but thought that, under the circumstances, it being a test case, the appellant ought not to ask for costs. Counsel agreed to forego the costs. The whole question of the operation of the new Criminal Amendment Act was raised in the Press and elsewhere in connection with this case.

19. *A Scotch Case—Damages.*—(17) The following, a Scotch case, was heard before Sheriff Logie, in the Small Debt Court, Ardrie, February 6, 1872. Edward Burns brought an action to recover damages from four masons, named Crosby, Lockhard, McLay, and Gardner, as compensation for loss sustained by being deprived of employment, by combination on their part, they having informed their employer that if he (Burns) was not discharged they would leave work—that is, strike. In consequence of this he was discharged. Defendants denied that they had unlawfully combined for that purpose. The evidence went to show that the four men named, members of the Stonemasons' Union, demanded of the complainant (called the pursuer) 7s. 6d. as his contribution due to the society. Burns, the pursuer, said he did not know what kind of society it was; he never saw the rules of it, though he paid for them; he did not even know the name of it, though he joined it when he entered into his then employment! The contention of defendants' counsel was that the men were perfectly justified in withholding their labour if they thought fit, as there was no contract and no notice required, also that the society was perfectly legal under the Trade Union Act. The decision was given on February 27, 1872, by Sheriff Logie, the damages being £3 3s. each and costs, total £12 12s. and costs. The Sheriff quoted cases to show that civil damages could be imposed in such cases. A man could leave his work if he thought fit, but if he and others in combination did so, in order to compel the employer to dismiss a fellow-workman, that was unlawful. Damages accordingly.

20. *Women Imprisoned.*—(18) On August 14, 1871, seven women were summoned at the Merthyr Police Court for "watching and besetting" a certain place, with a view to coerce John Howells, a workman, to quit his employment. One other woman had been summoned but failed to appear. The real offence charged, or rather

proved in evidence, was "shouting." Some denied the charge, but it appears that a police officer gave to complainant certain names, and these were summoned. The prosecutors were the owners of a colliery yard at Mountain Ash. On the following day the magistrate gave his decision. He thought the charge proven, and the women were sentenced to a week's imprisonment in Swansea Gaol. The women had no legal adviser to conduct the case on their behalf, or to cross-examine witnesses. The man said to have been intimidated was not even the prosecutor.

21. *Importance of List of Cases given.*—No apology is, I think, needed for giving a synopsis of the cases prepared and presented to the Home Secretary, showing the effect of the new law—Criminal Law Amendment Act, 1871. In no other way can the present generation understand the strong feeling aroused by the operation of the new Act. About fifty persons had been prosecuted, several of whom, including six women, were sent to gaol. It was felt that imprisonment was an excessive punishment in nearly all the cases where inflicted. The offence under the general law of the land would, in the worst cases, have been punished simply by binding the offender over to keep the peace. Under no previous law was the simple delivery of bills in the public streets an offence, even if the bills were in themselves unlawful, except in cases of sedition or treason felony.

CHAPTER XXII

AGITATION AND LABOUR LEGISLATION IN THE SEVENTIES: EFFORTS TO REPEAL OR AMEND THE CRIMINAL LAW AMENDMENT ACT

THE agitation evoked by the enactment of the Criminal Law Amendment Act, and by its administration as soon as passed, was widespread, systematic, and thorough. It was an organised demand for the repeal of a bad law, intentionally levelled at workmen, especially when acting collectively. Though divided from the Trade Union Act, it was passed as its complement, and was regarded by those who administered it, and by the public, as essentially a part of one piece of legislation. The Trade Union Act gave to men in combination rights too long withheld, but in giving those rights the legislature insulted the recipients, and provided an instrument for their castigation. The working classes of the kingdom were fortunate in this—they were led by men who knew what they were about, what they wanted, and had a clear idea as to the use of means whereby to achieve what they desired. The Turk case at Hammersmith had brought to their side Mr. Henry James (now Lord James of Hereford) and Mr. W. V. Harcourt (now Sir William Harcourt), and the Bolton case had won to their side Mr. C. H. Hopwood (now Recorder of Liverpool). They had also the active help of such men as Mr. Frederic Harrison, Mr. Henry Crompton, Mr. Albert Crompton, Mr. R. S. Wright (now Mr. Justice Wright), and in Parliament Messrs. Hughes, Mundella, S. Morley,

Rathbone, Brassey (now Lord Brassey), and numerous others, whose advocacy did much to pave the way to an early attainment of the object sought, namely, the repeal of the Criminal Law Amendment Act and other Acts, and further labour legislation in the interests of labour.

1. *Deputation to the Home Secretary.*—The memorial prepared, together with the printed list of cases, had been sent to the Home Secretary with a request that he would receive a deputation on the subject of the repeal of the Criminal Law Amendment Act. Mr. Bruce fixed March 21, 1872, for the formal presentation of the memorial. The deputation was introduced by Mr. A. J. Mundella. The speakers on the occasion included Mr. Alexander Macdonald, chairman, and Mr. George Howell, secretary of the Parliamentary Committee, and Messrs. George Potter and John Normansall. There were also present Mr. Robert Applegarth and George Odger, of the London Trades, and the representatives of the textile operatives, the miners, and other trade unions. Mr. Howell read the memorial, and referred at length to some of the cases cited; he subsequently made some suggestions for amending the Act if the Government could not see their way clear to propose its repeal.

2. *Mr. Bruce's Attitude and Reply.*—Mr. Bruce was most conciliatory in his reply. He reminded the deputation that the Lords' amendment had increased the stringency and severity of the Act, and that the Government had voted against it. He said that it was passed at a time when feeling ran high, and the cases had not a good chance of being fairly and calmly deliberated and adjudicated upon. He thanked the deputation for the information given, and for the list of recorded cases. He promised to consider the whole matter and to examine into the interpretation of its provisions by the different justices. In time he thought that the decisions, instead of being at variance, would become more uniform, &c. But uniformity was not the thing desired. The deputation wanted to prevent wrong being done, and men being sent to gaol for trivial offences.

3. *Efforts to Repeal the Criminal Law Amendment Act* —Immediately the Session of 1872 opened Mr. Alexander Macdonald, chairman, and the present writer, as secretary to the Parliamentary Committee, acting on behalf of the Trades Congress, endeavoured to obtain sufficient support in the House of Commons to bring in a Bill for the repeal of the obnoxious statute; but we failed to secure an adequate number of influential names to back such a Bill. The utmost we could obtain from those interviewed was a promise to support an amending Bill, restoring the original clause before it was mangled by the House of Lords, and the introduction of some definitions to prevent an undue straining of the provisions of the Act by the justices and others who administered it. The Parliamentary Committee met to consider what steps should be taken to carry out the resolutions of the Congress on January 13, 1872; then followed the preparation of the "cases" already referred to, the drafting of the memorial to the Home Secretary, and making arrangements for its presentation formally in due course.

4. *Lobbying for the Unions.* — As representing the Committee and the Congress, I was present at the House of Commons daily, beginning with the first day of the Session. Mr. Alexander Macdonald, as chairman, came to London on February 13th, and thereafter we attended the House together daily. On February 15th I had an interview with Mr. W. Vernon Harcourt, who expressed himself warmly against the Lords' amendment, and promised his assistance to repeal that portion of the Act. How much further he would go he could not tell until he had gone through the cases which I was then engaged in preparing. On the day following Mr. Macdonald and the writer waited upon him with list of cases up to that date, and also the digest of and reports on the two Acts of 1871, as prepared by Messrs. Crompton, Harrison, and the Committee in 1871.

5. *Sir William Harcourt upon the Act.*—Mr. (now Sir William) Harcourt went with us minutely over the provisions of the Act, and the cases up to date which had

arisen under it. He told us frankly that the House of Commons would not at that time listen for one moment to the question of total repeal. If the Committee desired action to be taken to remove the glaring defects of the Act, and especially the clause under which most of the convictions had taken place, he would do all in his power to help them. He strongly condemned the construction of the Act, whereby many bad interpretations had been given, some ending in conviction and imprisonment.

6. *Concession as to Amendment of the Act.*—Our reply was that, while strongly in favour of total repeal, we should gladly accept such amendments as he had suggested, which would preclude the possibility of a recurrence of some of the convictions which had taken place. He thought that a resolution in the House condemnatory of the Act, and calling upon the Home Secretary to introduce an amending Bill, would be the best way to proceed in the first instance. He promised to see Mr. Bruce and Mr. Winterbotham, and inquire what action the Government proposed to take in the matter, and report thereon to us.

7. *Action of Parliamentary Committee.*—On February 17th a special meeting of the Committee was held, consisting of Messrs. Macdonald (chairman), William Allan (treasurer), George Howell (secretary), John Kane, Thomas Halliday, William Leigh, George Thomas, W. H. Leatherland, Daniel Higham, and William Hicking. At that meeting a full report was given of all that had been done and attempted to be done up to date. The action of the chairman and secretary was approved unanimously, and also what was being done, and proposed to be done, as regards the preparation of a list of reported cases, of a memorial to the Home Secretary, deputation to the Home Secretary, and the circulation of reports on all these and other matters respecting the action which was being taken. The Committee reassembled on February 25th, when proofs were submitted of the memorial and cases. They were also submitted to Mr. Henry Crompton, Mr. Frederic

Harrison, and Mr. Vernon Harcourt for approval which was unanimously given.

8. *Proposal to Amend the Criminal Law Amendment Act.*—Further meetings of the Committee were held on March 16th, 19th, and 21st. On the latter day the deputation was to meet the Home Secretary to present the memorial and list of cases. The suggestions as to amending the Criminal Law Amendment Act, 1871, were drawn up by Mr. Henry Crompton, and were submitted to the Home Secretary by Mr. Howell as secretary. There was no note of disapproval to the suggested amendments if a repeal of the Act was found to be impossible either by individual members of the Committee or other persons, or by the trade unions of the country, to whom every document and suggestion had been sent for approval.

9. *Breakdown of Hammersmith Appeal Case.*—A brief synopsis of all the documents adverted to has been already given, and also the report of the deputation to the Home Secretary, and need not, therefore, be repeated or further referred to, except to say that Mr. Bruce had evinced his readiness to reconsider the Act in the light of the cases and the representations made to him by the Parliamentary Committee through its officers. At this stage considerable delay took place in consequence of the "Hammersmith Appeal Case" of Turk *v.* Gwynne, for, it was argued, while that appeal was pending it would be impossible for Parliament to listen to alleged grievances under the Act, or to any advocacy for its repeal until that was decided. The hearing of the appeal was fixed for April 7, 1872, when, lo! it wholly broke down by the withdrawal of the prosecution. The Parliamentary Committee had nothing to do with the Hammersmith case, the whole conduct of which was in the hands of a local committee, with Mr. Henry Stokoe as secretary. He it was who collected money for the costs, found bail for the man, George Turk, and provided for the appeal. But the officers of the Parliamentary Committee kept in close touch with the case, because of its importance to the trade unions of the country.

10. *Effect of that Breakdown.*—The Committee met on April 29th to consider the situation and decide upon a policy. Great dissatisfaction was felt at the result of the appeal, and regret was expressed that there was no means whereby the appellant could force the prosecution to a definite issue. The Committee instructed the secretary to send a report of the case to Mr. W. Vernon Harcourt, and to arrange an interview with him without delay. He met Mr. Macdonald and the writer that evening, when they explained to him the whole circumstances connected with the Hammersmith case, and expressed their deep regret at the unexpected and unsatisfactory ending of it. Mr. Harcourt thereupon went to Mr. Henry James, who was one of the counsel in the case for Turk, the appellant, and they returned together to us. Mr. James fully explained the legal bearings of the case, saying that it was a "monstrous decision of the magistrate" who convicted. He also strongly condemned the whole tenor of the criminal clauses of the Act. We thereupon requested him "to aid the Committee in getting rid of such a one-sided and unjust piece of legislation." He readily replied that he would help Mr. Harcourt to amend the Act. As to the course to be adopted, Mr. James advised a Bill in preference to an abstract resolution, which would do no practical good. Mr. Mundella, who was present, concurred in that view.

11. *Conference with Members of Parliament.*—The next step taken was to call a conference of such members of Parliament as had replied favourably to the Committee's appeal, which conference was held on May 2nd. Every point connected with the Act, and the decisions thereunder, were discussed, when it was agreed to draft a Bill dealing with the picketing clauses, and the general phraseology of the Act. On the following morning the Committee met, when all the facts were fully reported, and the action of the chairman and secretary was in all respects approved. It is necessary that I should be precise here as to all the dates and facts, because our policy was criticised subsequently until the whole circumstances were explained.

12. *An Amendment Bill Drafted.*—I was then instructed to see Mr. R. S. Wright (now Mr. Justice Wright) and ask him to draft a Bill. I had several interviews with him, and when the measure was drafted it was submitted to Mr. Harcourt and Mr. James. On May 6th the draft Bill was discussed at length in the Members' Room, House of Commons, and in outline agreed to. The revised draft was taken by me to Mr. Harcourt on the following day, when its provisions were again discussed. On that occasion he told me that Mr. Bruce, Mr. Gathorne Hardy, Sir John Coleridge, and others to whom he had spoken, agreed with the reasonableness of our demands, and promised to be no obstacle to their being passed.

13. *Endorsement of Bill by Trade Unions.*—The draft Bill as amended was then printed, and copies were sent on May 11th to Messrs. Harcourt, James, Harrison, and Crompton, to all members of the Parliamentary Committee, and to several leading trades unionists. The only person who wrote expressing dissatisfaction with the Bill was Mr. Daniel Guile. When finally revised the Bill was handed in at the Bill Office for the Queen's printers on May 13, 1872. It was issued to members of Parliament on May 18th, and copies were sent to the trade union secretaries of the country. On Saturday, June 1, articles appeared in the *Beehive* from Professor Beesly and Mr. F. Harrison adversely criticising the Bill; but these articles were based on the proof copies of the draft Bill sent out before the final revision. When the Bill was examined it was found that the special clause objected to had been deleted. It never was in the Bill as revised and issued by Parliament, which was the Bill of the Committee.

14. *Adverse Criticism of the Bill.*—In my official capacity I immediately called the London members of that Committee together. They met on June 6th, when it was agreed to summon a special meeting of the whole Committee to consider the Bill in question and other Bills then before the House of Commons. Notices were posted on June 7th, the Committee assembled on June 13th, and met again the following day. After a full discussion of

all the points, and explanations had been given, the action of the officials and of the London members was unanimously approved.

15. *Cause of Difference Explained.*—The articles of Professor Beesly and Mr. F. Harrison led to some discussion in the Press and to much correspondence with the officials of trade unions and trade councils in various parts of the country. After a full explanation of the points at issue the replies received from every union and trades council endorsed the action of the Committee and the Bill. Mr. W. Vernon Harcourt's conduct at this crisis deserves mention. I met him in the Lobby of the House of Commons, when he said to me, "I think you have been unfairly attacked in the *Beehive*. I thought of writing on the subject, so as to put matters right." He sketched out his article or letter. I said it was excellent. He sent it, the *Beehive* published it, and our attitude and action was approved. This act of Mr. W. Vernon Harcourt put us right with the unions and the country. The incident, however, gave members of the House of Commons an excuse for not supporting the Bill, which they readily availed themselves of to our disappointment.

16. *Debate in House of Commons.*—Our friends in Parliament who had backed the Bill stuck to it. Night after night it appeared on the Notice Paper, but no progress could be made. Mr. Macdonald and I were in the Lobby daily canvassing for support, but every obstacle was thrown in the way to prevent any further progress with the measure. After much delay, however, a night was secured for the second reading, the best that could be secured. It was Friday, July 5, 1872. A number of friends had consented to remain at the House until after midnight for the purpose of ensuring a debate. It was nearly half-past one on Saturday morning before Mr. Harcourt could rise to move the second reading of the Bill. Very able and conclusive speeches were made in its support by Messrs. Harcourt, H. James, Auberon Herbert, and A. J. Mundella. At length Lord Elcho (now Earl Wemyss) moved the adjournment of the debate, on the

ground of "the lateness of the hour." The motion was carried by a majority of two, and thus the Bill was got rid of for that Session.

17. *Attitude of Mr. Bruce.*—The debate on that occasion was pretty fully described by me in the *Beehive* of July 13, 1872. Its painful memories need not be revived now. But Mr. Bruce's attitude cannot be silently passed over. He defended the picketing clauses of the Act. The Government intended to make picketing a special penal offence, and were not prepared to take it out of that category. The tenor of his whole speech was in opposition to any amendment of the Act—quite the opposite to his attitude at our several interviews, and in flat contradiction to his letter to his constituents on April 2, 1873. The conduct of Mr. Bruce has always been to me wholly inexplicable. Most kind-hearted by nature, he was open to sympathetic feeling when approached upon the subject and the dire effects of the Act, by prosecution and imprisonment, were pointed out to him—loss of liberty and heavy expense for offences, if offences they were—and in some cases we disputed this—so trivial that a court of law ought never to have been appealed to at all. But the evil genius to which I have already referred seemed to be at work, and it was powerful enough to overawe Mr. Bruce's better judgment as expressed at private interviews, to public deputations, to colleagues in the House of Commons, and by letter to his constituents.

18. *Mr. Harcourt's Motion.*—Although the debate on the Bill was only adjourned, we knew that it meant shelving the measure for that Session. I therefore again consulted Mr. Harcourt, who agreed that the position was an unsatisfactory one, and he consented to take such further action as might be possible under the circumstances. He accordingly brought the matter before the House on a motion for adjournment. During his speech he asked Mr. Gladstone "whether, in consequence of the recent convictions under the Criminal Law Amendment Act, 1871, Her Majesty's Government would bring in a Bill this Session to amend and define the law, or afford

facilities for a discussion of a measure having that object." In the course of an able and effective speech he appealed to the Government to either take the matter up themselves or to give facilities for its discussion. It was urgent, prosecutions were numerous, and injustice was being done.

19. *Mr. Gladstone's Attitude.*—Mr. Gladstone was not impressed with the importance of the subject. His reply was chiefly jocular, devoted to a criticism of the way in which Mr. Harcourt had raised the question. But there was no other method—and Mr. Gladstone knew it. In the course of his speech he distinctly declared that "he was sorry to say that the Government were not prepared to bring in a Bill this Session for the purpose of amending or defining the Criminal Law Amendment Act, or to set aside other urgent public business in order to allow a discussion upon the subject of that measure." Mr. Gladstone, further, threw upon trade societies the onus of appealing in the Bolton and Hammersmith cases against the decisions given. This meant ruinous expense to the unions. But he ought to have known that an appeal in the Hammersmith case was impossible, and that in the Bolton case it was unnecessary. In both cases suffering was endured by those unjustly prosecuted, and large sums were expended in the defence of those men.

20. *Bill Abandoned.*—As nothing further could be done in Parliament, at the fag-end of the Session of 1872, the order for the Bill was discharged. The Parliamentary Committee had done their best to amend a very bad law, in order to prevent a recurrence of the unjust and cruel prosecutions which had taken place under its provisions. It was the smallest concession that could have been accepted by the trades of the country. The Committee came to the conclusion that such a small modicum of reform could never again be proposed or supported. In this spirit they reported to the next Congress. Amendment was rejected; absolute repeal must be demanded.

CHAPTER XXIII

LABOUR LEGISLATION IN THE SESSION OF 1872

ALTHOUGH we failed, miserably failed, to repeal or even to modify the provisions of the Criminal Law Amendment Act, 1871, during the Session of 1872, yet the Session was an important one as regards legislation for labour, and for advancing some measures towards a foremost place in the near future. The Trade Union Act, 1871, remains to this day as one of the brilliant achievements of Mr. Gladstone's Government, 1868 to 1874, marred by the twin-measure, so disastrous in character as to call forth the severest condemnation of workers of all shades of opinion. Their urgent demand for its repeal was such that those who had supported the Act most eagerly had, at no distant date, to accede to the demand, since which both political parties lay claim to the victory. This one fact alone enhances the triumph of those who were the pioneer soldiers in that bitter battle, of whom Robert Applegarth, George Shipton, and I are now the only three survivors who took part in all the earlier events of 1871 and 1872. Leaving now for a while the story of the Criminal Law Amendment Act and efforts for its repeal, other measures in 1872 require to be dealt with.

1. *The Mines Regulation Acts*, 1872.—The protection of miners is a branch of legislation of the same group as the Factory Acts, and can only be referred to here briefly as part of the work which devolved upon the Parliamentary Committee in the Session of 1872. The chief

labour in connection with these measures fell to the lot of the miners' delegates, whose devotion, earnestness, and practical ability had paved the way, and whose fairness and prudence did much, during their passage through Parliament, to ensure their acceptance with no serious mutilation. Without being invidious, it is only right to say that Alexander Macdonald deserves much credit for his onerous share in that important work. I was ever by his side as friend, counsellor, and helper, representing the Parliamentary Committee of which he was chairman. Some of the miners' delegates deserving mention, were Thomas Halliday, William Pickard, John Normansell, William Crawford, and some others at that date well known.

2. *Government Bills.*—The Bills of the Government embodied demands often made by miners' conferences, either in the Coal Mines Regulation, or its companion measure, the Metalliferous Mines' Bills of 1872. Mineowners resented the "interference" and regulation, but Mr. Bruce, himself largely interested in mines, steered the measures safely through all their stages. The Parliamentary Committee considered and reported upon the measures on February 23rd, their report being sent to the newspapers, in which all trade unions were urged to support them. A further report was issued on April 13th, and on the 15th a letter of mine appeared in the *Times*, in which some concessions to the mineowners were condemned, especially as to the employment of women and children. This joint action between the miners' delegates and the Parliamentary Committee assisted greatly in overcoming opposition to the measures, and helped to ensure their passing into law as 35 and 36 Vict., c.c. 76 and 77, in the Session of 1872.

3. *The Arbitration Act*, 1872.—The subject of arbitration and conciliation in labour disputes will be dealt with in a future chapter;[1] for the present, therefore, only incidents as to the preparation and passing of the Bill will be referred to. In the two first Trades Union Congresses resolutions in favour of arbitration were adopted. At the

[1] See Chap. XXXIX.

third Congress, in London (1871), the Parliamentary Committee were instructed to prepare a Bill to lay before the fourth Congress, held in Nottingham in January, 1872. Mr. (afterwards Sir Rupert) Kettle was kind enough to draft a Bill, which the Congress approved. The new Parliamentary Committee thereupon instructed me, as secretary, to send the draft Bill to the five members who had consented to back the Bill, namely, Mr. Samuel Morley, Mr. Thomas Brassey, Mr. W. H. Smith, Mr. Thomas Hughes, and Mr. A. J. Mundella, and arrange for an interview. I met them on February 28, 1872, when some exception was taken to the form and wording of the measure. As we did not expect to get further than the first or at most second reading of the Bill, I asked them to introduce it as a feeler. It was suggested, however, that the Bill should be referred to Mr. R. S. Wright. At a meeting of the Committee on the following day, with the five members named, it was agreed to refer the Bill to Mr. R. S. Wright, and meet again to discuss the matter. The meeting suggested that I should write to Mr. Rupert Kettle asking him to prepare a short memorandum as to the object and purposes of the Bill. I did so. On March 7th I received from him a full and clear statement as to the objects, purport, and intentions of the measure. That statement appeared in the *Beehive* of March 23rd, slips being sent to the backers of the Bill, to Messrs. Kettle, Crompton, Wright, and all members of the Committee.

4. *Sir Rupert Kettle's Bill.*—Some delay having taken place, it was feared that the Session might pass without anything being done. The Committee, therefore, instructed me as secretary to see Mr. Mundella, with respect to the introduction of the Bill, which I did on March 19th; I also saw Mr. Wright, who decided that the Bill as it stood would not affect the object intended. On April 3rd I met Mr. Kettle at Bolton and told him how we stood. He endorsed all that we had done, though he thought that his Bill as drafted met the case. On April 6th Mr. Macdonald and I saw Mr. Wright,

and went over the whole subject; on the 13th we met again, when the draft outline was settled. On the 15th and 16th the Committee met members of the House, when it was decided to introduce the Bill on April 17th, and on the 18th it was handed in to the Queen's printers.

5. *Mr. Wright's Bill—Passed.*—There were, after the issue of the Bill, many interviews with Mr. Wright, Mr. Kettle, the backers of the Bill, and other members of Parliament. The Bill was read a second time on June 12th. On July 12th the Bill passed through Committee without a division. On July 17th it passed a third reading. Lord Kinnaird took charge of it in the House of Lords, where it passed all its stages unopposed, and received the Royal Assent on August 6, 1872. The Act was never put in force, as it was hampered by the limitations of the Act of 1824, but the object was good, and as a piece of legislation on the old lines it was excellent. Mr. Mundella in the House of Commons, Lord Kinnaird in the House of Lords, and Mr. R. S. Wright deserve much praise in this connection, as do all those who backed the Bill, and Mr. J. Hinde Palmer for valuable suggestions.

6. *The Factory Workers' Nine Hours' Bill.*—This measure was promoted by a committee composed of factory operatives and others, among the latter being Lord Shaftesbury, to whom the workers in textile mills and factories owe so much. In consequence of the resolution passed on this subject at the Nottingham Congress, the Parliamentary Committee offered their services to the "Factory Workers' Short-time Committee", in any way the latter thought expedient, in order to ensure united support for the Bill. Some members of the latter committee, which was composed of trade unionists, and non-unionists, thought it inadvisable for the Congress's Committee to take any active part in the movement as an organised body, and accordingly we abstained from active participation in the work. Later on, however, the delegates of the factory workers held a meeting, when it was unanimously resolved to ask our co-operation, which

was promptly and cheerfully rendered thenceforth. In recording this incident let me say that the interviews between the two bodies were perfectly cordial from first to last. The only question that arose was one of policy —expediency; there was no friction; both sides acted in good faith, the only object being to promote the success of the Bill.

7. *Its Supporters and Fate in House of Commons.*—The subject of factory legislation requires to be dealt with as one of the groups of Protective Acts. For the present I only touch upon what was done in the Session of 1872. Mr. A. J. Mundella had charge of the Bill, which was backed by Messrs. George Anderson, Samuel Morley, R. N. Philips, Thomas Hughes, R. M. Carter, Richard Shaw, J. Hinde Palmer, and George Armistead. It was introduced by Mr. Mundella, and read a first time on April 15th. Day after day, week after week it was down upon the Notice Paper of the House of Commons for a second reading until July 31st, when, being the third Bill on the list, it failed to obtain a place. Mr. Mundella was untiring in his efforts, but he found scant support in the House. The Factory Operatives' Committee and the members of the Parliamentary Committee, jointly and severally, did all they could to ensure support for the Bill; opposition and obstacles of all kinds were encountered, and from all quarters. Night after night we were in the Lobby to answer questions, to urge support, and give information, but to no purpose, as far as progress with the Bill was concerned. Our efforts, however, met with some success, for the Government appointed a Commission to inquire into the working of the Factory Acts and as to the effects of factory life upon the workers, physically and socially, which Commission did its work conscientiously and most efficiently, and paved the way for legislation. Messrs. Birtwistle, Leigh, Ashton, Mawdsley, and others, representing the textile operatives, worked arduously for their constituents; they deserved success, and obtained it subsequently, after some further delay. But the factory delegates felt aggrieved at their failure. At a delegate

meeting held at the Westminster Palace Hotel on August 31, 1872, a resolution condemnatory of the attitude of the House of Commons was carried, and it was resolved to "prosecute and promote the agitation for the Nine Hours' Bill until it was brought to a successful termination." Though beaten for a time they were not disheartened, and in due season they reaped their reward.

8. *Truck—Payment of Wages Bill.*—This was a Government Bill, brought in by Mr. Bruce and Mr. Winterbotham on February 22, 1872, but at so late an hour that no remarks of any kind were made, either on the part of the Government or by any member in the House. This subject also will be dealt with in another chapter;[1] meanwhile the main facts as to this particular Bill may be related. On March 6th I obtained information to the effect that a movement was on foot to get the Bill referred to a Select Committee, with the intention of shelving it if possible. I thereupon called the Committee together, to consult and decide upon some line of action. The Committee regarded any such reference unnecessary, seeing that a Royal Commission had only recently inquired into the subject, and reported. But, if referred at all, the Committee urged that the Bill be only so referred after being read a second time. I was therefore instructed to take prompt action by promoting petitions to the House of Commons, memorials and resolutions to be sent to Ministers, and resolutions from constituencies to their representatives in Parliament. Meetings were organised in constituencies where it was understood that the local member was opposed to the Bill. All kinds of legitimate political pressure was brought to bear in support of the Government measure. The contention was that if the Bill was referred before the second reading the entire scope of the measure could be recast and remodelled; after the second reading, when the principle of a Bill is affirmed, the amendments must conform to the main principle of the Bill. We therefore went upon these lines in our agitation.

[1] See Chap. XXXVII.

9. *Reference to a Select Committee.*—The Bill was down for second reading on Monday night, March 18th, but it was half an hour after midnight before it was reached. Mr. Winterbotham spoke for the Government. Most of the other speakers who addressed the House really spoke to the members of the Parliamentary Committee, several of whom were "under the gallery," and consequently actually within the House, though, technically, not *in* it. After debate, Mr. Bruce, in reply to Mr. Gathorne Hardy, agreed to refer the Bill to a Select Committee, and consequently no division took place, the Bill being read a second time.

10. *Action of Parliamentary Committee.*—Our next anxiety was as to the composition of the Committee. To our regret we found that there was a majority upon it in favour of deductions from wages, in certain cases. On April 10th the Parliamentary Committee sent out a statement to the trades explaining the nature and bearing of the provisions in the Bill, and suggesting such action as was deemed advisable in support of the Government measure. The circular was a public one, and was sent to the newspapers, most of which commented favourably upon it. In this case the public were with us on nearly all points—quite a new experience to most of us, who were so often denounced.

11. *Deductions from Wages, and Weekly Pays.*—Early intimation was given to me as to the nature of amendments to be proposed in the Bill; among other things that a dead set was to be made in favour of certain deductions, and against weekly pays. On April 23rd Mr. Brogden tried to anticipate the Committee's report by a motion in the House, but as Mr. Bruce and Mr. Winterbotham opposed the motion was lost. Two days afterward (April 25th) the Select Committee approved of weekly pays, but only by a majority of one. A further amendment to neutralise that decision was lost by a majority of three. It now became evident that supporters of truck on the Committee meant to destroy the Bill, or so to emasculate it that it should be valueless for its

purpose. The Parliamentary Committee, therefore, in concert with trade unions in various localities, organised a series of great meetings in Wednesbury and other places in the Midlands, in Yorkshire, North and South Wales, and other districts, especially in places where their representatives in Parliament evinced opposition to the Government Bill, particularly in the iron and coal districts of the country.

12. *Truck Bill as Amended.*—The Select Committee held its final meeting on May 6th, and thereupon reported formally the Bill to the House. On the 9th I obtained proofs of the amended Bill, only to discover how sadly it had been mutilated. In one instance only was the Bill improved, on the motion of Mr. Pell, by which the provisions as to deductions were extended to "frame-rent charges." The Parliamentary Committee met and decided to advise the withdrawal of the Bill. An analysis of its provisions was prepared and sent to the trades, pointing out the changes made by the Select Committee and their efforts, and informing the trade unions of the country our reasons for urging the withdrawal of the Bill. Our conduct was unanimously approved.

13. *Opposition to Amended Bill.*—The Parliamentary Committee requested me to prepare a memorial to the Home Secretary, embodying their views, and to ask him to receive a deputation on the subject. This he agreed to do, and fixed June 13th for the interview. Every member of the Committee attended on that occasion. At the request of Mr. Winterbotham another meeting took place at the Home Office, when every phase of the question was discussed. Meeting after meeting took place in the provinces in opposition to the "amended Bill," and so Mr. Gladstone, on July 16th, withdrew it—slaughtered, with other innocents of the Session.

14. *Memorial, Deputation to Mr. Bruce, &c.*—Copies of the memorial to Mr. Bruce, correspondence relating thereto, and a special report of the deputation were published by me at the time, and were extensively circulated.

A brief synopsis follows. The memorial stated that the Bill of the Government had the cordial support of the trades; that, as "amended," it had become impaired; that weekly payments of wages were altogether practicable, as evidenced in the adoption of the system in the principal factories of Lancashire and Yorkshire; while in other large industries it was, and long had been, the rule; that, as "amended," the Bill opened the door to the worst forms of truck; that it was easy for an employer to estimate wages accruing; and therefore the memorialists urged that wages should be paid weekly without deductions for any purposes whatever.

15. *Objections to Bill—how Met.*—The Parliamentary Committee embodied their objections in a circular to the trades signed by every member. At the deputation Mr. Howell read the memorial and addressed the Home Secretary; he was followed by Messrs. Alexander Macdonald, John Kane, Wm. Leigh, William Allan, Thomas Halliday, W. H. Leatherland, and others. Mr. Bruce, in reply, stated that he regretted the absence of a working-man representative on the Select Committee, but there was not a single labour member in the House, and therefore the Government selected those most in sympathy with the cause of labour. He would convey to his colleagues the views of the deputation. He personally was averse to truck; he lived in a district where truck was carried on; he had seen its operation and direful consequences. He was in favour of regular payments in money; but there were great difficulties. He went on to say that the difficulty was not so much with truck as opposition to weekly payment of wages, which was regarded as an interference with the law of contract. He argued that workmen would rather pay fines than be discharged. As some dissent was expressed at Mr. Bruce's observations Mr. Winterbotham asked three of the deputation to meet him and confer about the Bill. The deputation then thanked Mr. Bruce and withdrew.

16. *Home Office and the Bill.*—The Committee appointed Messrs. Alexander Macdonald, William Allan,

and George Howell to meet Mr. Winterbotham on Monday, June 17th. The Under-Secretary of State had with him Mr. Albert Bateson. Nearly three hours were spent in going over the provisions of the Bill, the objections of the workmen, and the contentions of employers. Mr. Winterbotham admitted that some of the "amendments" were objectionable and ought to be struck out, and that others were doubtful, at the best, and would therefore be considered. The deputation warmly thanked Mr. Winterbotham for his courtesy and for devoting so much of his time to the consideration of their objections. In this connection we all felt that Mr. Bruce was weak as a Minister, but thoroughly in sympathy with our objects as a man, and even as an employer. Mr. Winterbotham looked at the matter as a lawyer and member of the Government, but his sympathies were no less obviously in our favour.

17. *Compensation for Injuries to Workpeople.*—The Bill for securing compensation for injuries by workmen in the course of their employment was originally prepared by, or for, the miners. The Nottingham Congress adopted the measure and relegated it to the Parliamentary Committee for them to take steps to have it introduced into the House of Commons. The Bill was limited in character, being chiefly designed to amend what is known as Lord Campbell's Act, 9 and 10 Vict., c. 90. That Act provided for compensation in case of death by accidents, but not for non-fatal injuries. The Bill had been entrusted to Mr. Serjeant Simon in 1869 and 1870, but no step had been taken in connection therewith. On February 14, 1872, Mr. Alex. Macdonald and I waited upon him at the House of Commons, when he promised to consider the matter and take charge of the Bill. After waiting nearly two months I again waited upon him; he excused the delay on the ground of ill-health and pressure of business. After further delay we again waited upon him, when he suggested that we should place the Bill in other hands.

18. *New Bill and Attitude of the Government.*—We accordingly saw other members of the House, and at last

we obtained the consent of Mr. Walter Morrison to take charge of the Bill, Mr. Andrew Johnstone and Mr. J. Hinde Palmer agreeing to back it. In our interviews with those gentlemen it was suggested that the Bill be referred to Mr. R. S. Wright, by whom it was re-drafted It was not until July 17th that the Bill was read a first time, the second reading being fixed for August 7th. On that date Mr. Chichester Fortescue, on behalf of the Government, promised a Bill in the next Session, whereupon Mr. Hinde Palmer asked leave to withdraw the Bill. The measure drafted by Mr. Wright was vastly superior to the original Bill; it was complete in itself, and fully met all the requirements of the Committee and of workpeople generally.[1]

19. *Meeting and Decisions of the Parliamentary Committee.*—In consequence of the position of the several Bills in Parliament a special meeting of the full Committee was convened for June 20th and following day. Every member attended. As secretary I gave a full and detailed report of all that had been done by the London sub-committee and by the officers, Messrs. Macdonald, Allan, and myself. Copies of all correspondence were presented, and of all circulars, reports, memorials, and even paragraphs, &c., in the Press, so that the Committee might have all the materials necessary for a full consideration of all the Bills before Parliament and of the measures proposed, and action taken by the officers and sub-committee. The Parliamentary Committee unanimously approved of everything that had been done in a series of thirteen resolutions, which resolutions were printed and circulated as part of the rather elaborate report issued to the trade societies of the kingdom in July, 1872, copies of which were sent to all the principal newspapers.

20. *Admission to the Lobby.*—At the meeting adverted to the chairman and secretary complained of loss of time in gaining admission into the Lobby. Under the new rules bodies requiring admission into the Lobby had to obtain permission and to be placed on the Speaker's list. Numerous bodies had that privilege, but it was denied to

[1] See Chap. XXXVIII.

the representatives of the workmen. We had to send in our names to members, and they had to come into the Central Hall and pass us into the Lobby. Sometimes the member sent for was not in; sometimes I fear that the member was not so desirous of seeing us as we were to see him. In which case we got no reply. The waste of time was considerable, and we felt at a disadvantage compared with other bodies, political and otherwise, and "agents," whose object was personal gain. We had applied to Mr. Speaker and to the Sergeant-at-Arms for the same privilege of admission, but in vain. I fear that we had become a nuisance to some honourable members by our persistency, watchfulness, and continual presence. But we never begged for money. No member was ever asked to subscribe—we only wanted his support and vote. On the whole members were courteous, and willing to come out to pass us in; but it was the waiting, the loss of time, the weariness of the thing.

21. *Secretary Placed on the Speaker's List.*—On this being reported, the Parliamentary Committee instructed the secretary to appeal to the Prime Minister, Mr. Gladstone, and in the end we were placed on the Speaker's list. Thereafter, except for about six-and-thirty hours, to be adverted to further on, we had the freedom of the Lobby, and our work was consequently easier. We were on the spot—a convenience not only to ourselves, but to Ministers and members of the House of Commons who desired to consult us.

22. *Public Meetings and Labour Questions.*—During the last five months of the year 1872 meetings were held in various parts of the country, some of them being imposing demonstrations, in favour of the repeal of the Criminal Law Amendment Act, 1871; of the Payment of Wages (Truck) Bill; Compensation for Injuries Bill; Amendment of the Master and Servant Act, and other measures. Wherever we went there were enthusiasm, unanimity, and a determination to obtain from Parliament what we deemed to be our just demands, and some members had a warm time of it in their autumn visits to their constituencies.

CHAPTER XXIV

LABOUR MOVEMENTS IN 1873

IN the preceding chapters reference is mainly made to the Liberal Party when political parties are alluded to. The reason, as previously adverted to, is that the active labour leaders mostly belonged to or supported that party in the constituencies, and therefore depended upon "Liberal" support in matters of legislation. The difficulties with that party have been described in connection with the several measures promoted by the Parliamentary Committee as representing the working classes and having their mandate. Mr. Gladstone's Government had been in office four years, during which they had passed (1) the Trade Union (Protection of Funds) Act, 1869; (2) the Trade Union Act, 1871; (3) the Criminal Law Amendment Act, 1871; (4) and the two Mines Regulation Acts, 1872. Not a bad record if the third measure were left out. They had also tried to pass a Truck Bill, and promised one for compensating workpeople in case of injury while following their employment. We had also managed to get passed Mr. Mundella's Arbitration Act, 1872. The record is only marred by one measure, but that one was a sad blot. During the year 1872 trade unionism advanced by leaps and bounds, as did also our trade and commerce. Not only did the number of union members increase, but there had grown up more hearty co-operation among the various unions, resulting from the trades congresses, the work of the Parliamentary Committee, and the earnest labours of the more prominent men in the trade union move-

ment. Cohesion, unity of purpose, enthusiasm, and healthy activity were manifest on all sides.

1. *The Leeds Trades Congress*, 1873.—The Fifth Trades Union Congress met in Leeds on January 13, 1873. The sittings lasted six days. The number of delegates present was 131, representing 140 societies, with an aggregate membership of 739,074, besides thirty-two societies in Dublin, whose number of members was not given. After the election of officers and other formal business, I, as secretary to the Parliamentary Committee, read the report, consisting of twelve large octavo pages of closely printed matter, giving full details of all the subjects relegated to them, and their action thereupon. Copies of all other documents were put in and taken as read, because these had been previously circulated from time to time, when printed. A synopsis of the report and all other documents having been given in previous chapters, each under its special head, there is no need to enlarge upon any of the subjects here. One additional document, however, requires to be noticed, prepared by one outside the Committee.

2. *Mr. Henry Crompton's Report.*—(*a*) Mr. Henry Crompton prepared a special report on the Criminal Law Amendment Act, 1871, which was presented to Congress as part of the Parliamentary Committee's report, the main points in which, coming from a lawyer of Mr. Crompton's ability and experience, deserve to be noted. I give its general purport, quoting the writer's own words where deemed advisable, and, where summarised, his impressions and conclusions. After referring to the printed list of cases under the Act, he says: "Men have been convicted for simply standing still in the street, when there was no attempt at intimidation or coercion—without word or gesture having been used. Seven men were sent to gaol in one batch, at Perth, for doing nothing except picketing, that is, the mere waiting for a fellow-workman, accosting him, and endeavouring to influence him by argument or persuasion," declared by the Act to be a crime. "Seven were sent to prison for

shouting at a man." "I heard shouting, but cannot say where it came from," said the man in his evidence, but they were convicted and imprisoned. "At Hammersmith a magistrate decided that the giving of a handbill in the street, containing the following sentence: 'By so refusing you will forward our cause, as well as your own, as working men,' was coercion."

(*b*) Mr. Crompton went on to point out that "assaults, intimidation, or threats of violence" were offences deserving of punishment, by whomsoever committed, and it was unjust to make these penal offences only in the case of workmen during a labour dispute. He goes on to say: "Mr. Gladstone asserted in July (1872) that there had been a hundred decisions under the Act; and that the working men only objected to three or four of them. This statement was untrue, misleading, and ungenerous; he took no pains to distinguish between those which could have taken place under the ordinary criminal law and those that could not. Instead of objecting to four only, the representatives of the workmen have objected to all of them, except those of violence and threats of violence. Mr. Gladstone knew perfectly well that Congress had unanimously protested against the whole law."

(*c*) He continued: "Parliament, by its rejection of Mr. Harcourt's Bill, and Mr. Gladstone, by his flippant refusal of the demands of Congress, have entirely changed the position of affairs. Mr. Harcourt's Bill was the most moderate compromise that could have been offered to the House of Commons. Parliament and Mr. Gladstone have refused all compromise and concession. The matter has passed beyond the stage of argument." Mr. Crompton went on to condemn the Master and Servant Act, the Small Penalties Act, and others under which breach of contract by workmen was treated as a criminal offence, and cumulative fines were imposed, enforced by imprisonment. He also strongly condemned the law of conspiracy as applied in labour disputes. The whole paper was a masterly review of the Criminal Law

Amendment Act, and other Acts relating to labour, in their character, bearing, and effects, and also of decisions in courts of law under those Acts.

(*d*) In conclusion, Mr. Crompton urged widespread "agitation throughout the land." "Parliament," he said, "has trifled too long upon this matter, playing a game of deception; declaring at one time that they would do what was wanted in order to avert the rising popular indignation; and then, when the agitation had subsided, they passed the Criminal Law Amendment Act, in spite of their pledged word, which they falsely and perfidiously broke." He ended by suggesting a programme to the Congress, the six points of which will be noted in the resolutions. That valuable paper was mainly the basis of what was resolved to be done by the Leeds Congress.

3. *Proceedings in Congress.*—Mr. Henry Crompton read his very able paper, for which he was most cordially thanked. His offer of five thousand copies for distribution was accepted with hearty cheers. The report of the Parliamentary Committee was unanimously accepted, and Congress decided to discuss it section by section. This was done. The conduct of the Committee was approved as regards: (1) The Mines' Regulation Bills; (2) the Arbitration Act; (3) the Factories Nine Hours' Bill; (4) the Truck Bill; (5) the Compensation to Workmen Bill, and (6) the Criminal Law Amendment Act. As regards the latter, Congress resolved to agitate for its total repeal, and not to spend further time in trying to amend it. The resolution unanimously adopted was: "That whilst we acknowledge the valuable services of the Trade Union Parliamentary Committee, we desire to record our determination not to rest until we obtain a total repeal of the Criminal Law Amendment Act."

4. *Compensation for Injuries Bill.*—With respect to the Compensation Bill Mr. Howell read a letter from Mr. Chichester Fortescue, dated December 10, 1872, in which his private secretary said: "In accordance with his promise in the House last Session, he (the President of

the Board of Trade) will be prepared to introduce a Bill in the coming Session to amend the law relating to compensation for injuries to workmen and servants. Mr. Fortescue desires me to say that a Bill is being prepared which will include the cases provided for by Mr. Hinde Palmer's Bill." That promise was not redeemed, and it was not till eight years afterwards, in 1880, that a measure was carried making employers responsible for injuries to their workpeople caused by accident in the course of their employment.[1]

5. "*Standing Orders*" *for Congress.*—Among the other duties of the Parliamentary Committee in 1872 was that of preparing a series of "Standing Orders" for the government of Congress. These consisted of twenty-six rules as unanimously adopted by the Congress. The first draft consisted of thirty rules, proofs of which were first sent to every member of the Committee, and to some of the leading officials of trade unions. After revision, copies were sent to all trade unions and trades councils for approval, or for suggested amendments. Only two out of the thirty were criticised, and amendments suggested. The final revision reduced the number to twenty-six; these were reported to Congress and adopted. The plan of sending out the proposed Standing Orders a long time before Congress assembled saved much time; there was little discussion upon them and no amendment.

6. *Balance sheet for* 1872.—The balance sheet presented to Congress showed that the total receipts, by voluntary grants from trade unions, was £295 16s. 6d. The total expenditure was £200 12s. 10d. This expenditure included printing, stationery, postages and telegrams, reporting special interviews, salaries, committees and delegations, loss of time and travelling expenses. This left a balance in hand of £95 3s. 8d. Delegates' subscription to Congress, 131 at 10s. each, £66; the balance in hand of the Leeds Trades Council, £5 9s. 2d.; total, inclusive, £166 12s. 10d. Cost of Congress,

[1] See Chap. XXXVIII.

£46 14s. 6d.; balance in hand for the year 1873, £119 18s. 4d. It will be seen that the expenditure was very small compared with the work of the Parliamentary Committee. The aggregate expenditure from March, 1871, to January 18, 1873, was only £217 19s. 6d., all inclusive. The imaginary "bloated delegates" of the newspaper press were of the lean-kind in this instance.

7. *Parliamentary Programme*, 1873.—The programme decided upon by the Congress was the result of much consideration and deliberation. Mr. Crompton had suggested six points at the end of his paper, as follows: (1) Repeal of the Criminal Law Amendment Act; (2) abolition of imprisonment for breach of contract; (3) repeal of the Small Penalties Act; (4) reform of the Conspiracy Laws; (5) Royal Commission to inquire into the mode in which summary jurisdiction of magistrates has been exercised; and (6) amendment of the Jury Laws. In considering the above, a resolution was carried unanimously condemnatory of the Criminal Law Amendment Act, the Master and Servant Act, and the application of the law of conspiracy to labour disputes, and other laws adverse to labour, and calling upon the working classes to organise throughout the country, "with the view of opposing every candidate at Parliamentary elections who would not pledge himself to vote for the abolition or alteration of any law affecting injuriously the character and freedom of trade unions."

8. *Modes of Procedure.*—The modes in which the Parliamentary Committee were to work, in order to achieve the objects aimed at, were so well defined in the resolution next carried, that it is better to quote it in full than attempt to summarise it. Resolved unanimously: (1) "That an Act of Parliament be prepared embodying the first, second, and fourth points of Mr. Crompton's paper, and consolidating the law affecting trades' combinations into one Act. (2) That an independent motion be brought forward in the House of Commons, based upon the third, fifth, and sixth points. (3) That another motion be brought forward in the House of Commons

demanding an alteration in the constitution of the jury system—a system too exclusively drawn from the middle classes; and that such reconstitution shall be based upon the principle of the admission of the working classes to discharge the duties of jurymen. (4) That all action of the Parliamentary Committee shall be founded upon the distinct understanding that the Criminal Law Amendment Act is to be totally repealed, and no compromise accepted of any sort or kind."

9. *General Resolves of Congress.*—The above resolutions indicate the temper of the delegates at the Congress. The attitude was one of "no compromise." Another resolution instructed the Parliamentary Committee to take such action as they thought fit to amend the Trade Union Act, 1871, as regards the protection, management, and investment of funds. Resolutions were passed with reference to the great dispute then existing in South Wales between the ironworkers and miners and their employers, urging arbitration as a means of ending it, and pledging the delegates to use their best efforts in their several unions to obtain funds to support those who were out. Mr Joseph Arch read a paper on the employment of women and children in agriculture. Congress supported his view, and expressed satisfaction at the formation of unions among agricultural labourers. Resolutions were also passed respecting weights and measures used in connection with labour; stoppages from wages in the Potteries; limitation of apprentices; piecework; prison labour; co-operation; representation of labour in Parliament; arbitration in labour disputes, and also in international disputes among nations. At the great public meeting the speeches were mainly in reference to the Criminal Law Amendment Act and the sentence on the gas-stokers.

10. *Memorial on Gas-stokers' Sentence.*—With reference to prosecution of the gas-stokers, and the cruel sentence passed upon them, it is essential that the whole story should be told from beginning to end. But, first of all, this is what took place at the Leeds Congress. I had prepared a memorial to the Home Secretary on the

severity of the sentence, which memorial was approved by the Standing Orders' Committee, and by them submitted to the Congress. The memorial was as follows: "Sir,—We, the undersigned, beg most respectfully to lay before you, as the representative of the Government for the Home Department, this memorial, praying for a mitigation of the sentence passed by Mr. Justice Brett on the London gas-stokers, at the Old Bailey, on Thursday, December 19, 1872.

"Your memorialists humbly submit that these men did not intentionally and with malice aforethought violate the law; but this Congress, without wishing at this time to question the legality of the verdict, express astonishment and profound regret that men, acting in what they conceived to be their *bonâ fide* right, should be so severely sentenced. If there were a necessity to vindicate the law of contract, the punishment which the men had already endured was more than ample for the offence. The deep feeling and painful surprise at the severity of the sentence felt in all parts of the country, as well as a sense of justice and humanity, leads this Congress, representing 628,384 men, in Great Britain and Ireland, as detailed in the list appended hereto, to pray for the release of the prisoners now under sentence of twelve months' imprisonment in Maidstone Gaol. We therefore pray that you would advise Her Majesty's Government to advise the exercise of her royal clemency to release those poor men without delay."

11. *Leeds' Welcome to the Delegates.*—The Congress unanimously adopted the memorial to Mr. Bruce as drafted, and, on the motion of Mr. George Odger, every delegate present at Congress signed his name and address thereto. The reference in the memorial to the legality of verdict and sentence was intentionally inserted by me, because I was then questioning it in the "Gas-stokers' Committee," of which I was a member, the reasons for which will appear in the next chapter. The Leeds Congress was in every way a success. The Municipal Council, and the inhabitants generally, warmly welcomed the delegates and feasted them; the local trade unions did their best to ensure comfort and graceful recognition. It was at this Congress that Mr. Plimsoll first delivered copies of his notable work—"Our Seamen"—at a banquet, and the delegates pledged themselves to assist him in his work.[1]

[1] See Chap. XXVII. for story of the Plimsoll movement.

CHAPTER XXV

THE STORY OF THE GAS-STOKERS' PROSECUTION, SENTENCE, AND RELEASE

THE circumstances and results of the gas-stokers' prosecution, trial, sentence, and ultimate release are of such importance in connection with the agitation for and, ultimately, the passing of the labour laws, that the story must needs be told, and that too by one conversant with the hidden facts, as well as with those told at the time in the Report of the Gasworkers' Defence Committee, in the newspaper press, and in the debates on the question in the House of Commons.

1. *Dispute at the Beckton Gasworks.*—The facts relating to the dispute at the Beckton Gasworks, in brief, were these: In 1872 trade and commerce were prosperous—advancing "by leaps and bounds." Wages also were advancing in most industries, in some at rates regarded as phenomenal. The gas-stokers thought that they too should share in the general prosperity. But they had no union to help them. In the summer of 1872 meetings were held, and in August and September a union was formed. The agitation was kept up, and the men resolved to seek an advance in wages and a reduction in the working hours. The two things were linked together. The wages were not bad, had the hours been reasonable. The rates were: Labourers, 3s. 6d. per day; coke-spreaders, 31s. per week of seven days; stokers from 37s. 4d. to 38s. 9d. per week of seven days. The hours alleged to have been worked were often 80 per week. The men had

only one day off in each four weeks. This they complained of as unreasonable.

2. *How the Dispute Arose.*—The effects of the men's agitation and the formation of the union were soon apparent. Out of twenty-five gas factories then in the metropolitan district, fourteen closed from 6 a.m. till 6 p.m. on Sundays. These men also asked for 6d. per day advance in wages. The concessions made were, of course, under pressure, and the managers of the companies, or some of them, vented their anger upon the leaders, who were weeded out on one pretence and another. The men resented this, and, instead of quietly supporting the discharged men until the storm was over, clamoured for their reinstatement. The methods of weeding out varied, but here are two instances. On November 22nd two men at the Beckton Gasworks (E. Jones and T. Dilley) presented a memorial to the manager, Mr. Trewby, on behalf of the men, for an advance of 6d. per day for the coal-wheelers. On the same afternoon Dilley was ordered from his regular work to other work to which he was unaccustomed, and for which, it was alleged, he was physically unfit. He excused himself, and on the day following he received seven days' notice to leave the works. A day or two later on one of the men at the Fulham Gasworks was summarily discharged without notice for refusing to do work not in his contract, he being at the time on a piece-work job. The men thereupon held a meeting, and sent a deputation to the manager, who, after hearing the deputation, reinstated him. The foreman, in the absence of the manager, again discharged him. The men expostulated, and when the night gang came to their work the gates were closed against them. That was on November 29, 1872.

3. *General Strike Resolved Upon.*—The Gas-stokers' General Council met on the evening of that day to consider the position, and they decided that Dilley should accept his discharge, and be supported without a strike. His notice being up on November 30th, he left the works—discharged. Meanwhile the lock-out of the night gang

at Fulham had complicated matters. The secretary of the men's union sought an interview with the manager of the Fulham Gasworks on November 30th, so as to prevent a strike. In this he was unsuccessful. There was an open-air meeting of the men on the same day on Clerkenwell Green, when it was resolved to call out the whole of the men employed by the company. At another meeting, held in the evening, a general strike was resolved upon. The only excuse for so wild an act is that the men were exasperated by reason of their leaders being victimised, and they had no experience of trade unionism. Their union was only three months old. Neither the men nor their leaders consulted older and more experienced men in the labour movement, whose services were always at command. They were angry, and acted according to their own sweet will.

4. *The Strike and Breach of Contract.*—The next day was Sunday, and on Monday, December 2nd, the men at the Beckton Gasworks demanded the reinstatement of Thomas Dilley. Mr. Trewby, the manager, objected. The men refused to start work. Mr. Trewby reminded them of their agreements, and gave them ten minutes to reconsider. The men were firm, and the whole five hundred men employed left the works. On December 5th five hundred summonses were applied for and granted, and within ten days of that date twenty-four men had been sent to prison for breach of contract, under § 14 of the Master and Servant Act, each for six weeks' hard labour, and the chairman of the meeting for three months' hard labour. Consternation seized upon the men; the committee fled, all except the secretary; the funds of the union were exhausted, the whole movement had collapsed.

5. *Prosecution for Conspiracy.*—Had the Gas Light and Coke Company been content with using all the powers of the law under the Master and Servant Act for breach of contract, the Gas-stokers' Defence Committee would probably never have been heard of. The men acted wildly, blindly, hastily, without forethought, or perhaps care of the consequences. The men at Beckton admitted that they

might be acting illegally; they determined to face the penalties. Of those employed six men selected by the superintendent were prosecuted for conspiracy. As a matter of fact, their offence, like that of the other 494 men, was breach of contract, on proof being given. In the summons, issued on December 5, 1872, at the Woolwich police-court, it was alleged that they, "with divers other persons, did unlawfully, wickedly, wilfully, and maliciously conspire, combine, confederate, and agree together by divers threats, uttered to the said superintendent, to obtain, extort, and procure the promise of him, contrary to his own free will, to take back and reinstate in the service of the company one Dilley, who had been in the service of the company, and therefrom lawfully, and for good and sufficient cause and reason, discharged." The charge as above is varied and repeated in the summons, so as to include compulsion to reinstate Dilley, and to cover alleged breach of contract, conspiracy, and other offences. It was a widespread net, designed to obtain a conviction at any cost.

6. *Evidence of Prosecutor.*—The case was heard at the Woolwich police-court on December 10th. The prosecutor stated in his evidence that the whole of the men employed in night and day gangs, about five hundred, asked to see him (the superintendent). When he met them, and asked what they wanted, one of the men, named Webb, stated that they had resolved not to commence work until Dilley was reinstated. Mr. Trewby thereupon reminded the men that they were under contract, some for a month, others by the week, and that they had "no right to leave work without a proper notice." He then gave them ten minutes to consult one another. At the end of that time he returned and asked their decision. They replied that they were agreed not to resume work until Dilley was reinstated. He thereupon said: "Very well, I will reinstate Dilley, but under protest." He further stated that the men refused to return to work until they had orders from their delegate meeting, as there was a lock-out at the Fulham Gasworks. The whole five hundred

then left the works. It was admitted in cross-examination that the six defendants were only part of the whole five hundred, three of them being "sent for" by Mr. Trewby, who regarded them "as taking a leading part and influencing the others.' This, however, was not proven, even if such were the case. The men alleged that Mr. Trewby insulted the general secretary of the union when he called upon the superintendent; but this Mr. Trewby denied. The men said that insulting their general secretary was insulting the two thousand men in the union. The men desired not only that Dilley should be reinstated, but also two men at Fulham.

7. *Evidence of Foremen.*—The foreman of the day gang corroborated generally the evidence of Mr. Trewby as to what took place, and as to Mr. Trewby calling certain names—being four of the defendants—to question them. He further declared that "no bad language or threats were used." Another foreman spoke as to the agreements—the men, he said, had an opportunity of reading the agreements, but they were not read over, nor were they posted up at the works. The six defendants were committed for conspiracy, each pleading "not guilty."

8. *Defence of the Men.*—On December 14th, Mr. Webster, secretary of the Gas-stokers' Union, called upon me and Mr. Broadhurst to see if anything could be done towards defending the men; after consultation with Mr. George Potter, a meeting of leading unionists was called for the 16th, which was only the day before that fixed for their trial at the Old Bailey. At that meeting, in addition to those named above, Messrs. William Allan, Robert Applegarth, Daniel Guile, Lloyd Jones, H. Crompton, and W. Mackenzie (barristers) and others were present. A Defence Committee was then formed, and they elected Messrs. George Potter, chairman, Daniel Guile, treasurer, and H. Broadhurst, secretary; Messrs. Shaen, Rossoe, and Massey were appointed solicitors. The latter were instructed to prepare a defence for the men, secure counsel, and try to get the trial postponed.

As to the latter, the most that could be obtained was postponement for one day—to December 18, 1872. Messrs. Douglas Straight, Q.C., M.P., and Montague Williams defended the men, but the time was so short that the ink was barely dry upon their briefs before they had to appear in court. It was only on the 14th that the summonses were heard in the police-court—seven days before the trial, only six before the day first fixed.

9. *The Indictment.*—The indictment repeated the charges in the summons, amplified and varied in many ways. But it was no longer the Gas Light and Coke Company as sole prosecutor; all the other gas companies in London, six large companies being named, "and divers other companies respectively." In the ten "counts" of the indictment everything that clever lawyers could devise to ensure a conviction was put into it. To a non-legal mind, reading such documents as the summons issued by the police magistrate at the Woolwich police-court, and the indictment preferred against those men at the Old Bailey, the question arises whether the object sought was to ensure justice. A suspicion was manifest that vindictiveness, or some other equally base motive, desired punishment, whether legitimately deserved or not.

10. *Nature of the Offence.*—In the summons there is no mention of the six other gas companies enumerated, "and divers other companies." The offence was committed at Beckton, the superintendent being the prosecutor on behalf of the company. The men were summoned in the first place for breach of contract, the punishment for which was a term of imprisonment "not exceeding three months." My contention all the way through was that for conspiring to commit and committing the offence no longer term of imprisonment could be lawfully inflicted. The extreme penalty of the law for wilful murder—the gravest of all crimes—is death; for conspiring to murder, and doing the deed—what? The death sentence, none other. Justice demands the maximum penalty in some cases of crime; in other cases

mitigation is allowed; to impose a greater penalty than the maximum is a violation of the principle of justice.

11. *The Trial and Evidence.*—The trial took place at the Old Bailey on December 13, 1872, before Mr. Justice Brett. In the brief for the defence it was alleged that three of the prisoners were not present at the interview between Mr. Trewby and the men until sent personally for by him. In the copy of deposition put before the court there is no mention of any gas company except the Gas Light and Coke Company at Beckton, where the offence, as alleged, was committed. The evidence given at the trial showed that the whole of the five hundred men employed acted in concert, the result of combination. Neither the prosecution, nor the foremen called as witnesses, complained of bad language or threats; but three or four of the men, members of the union, stated or implied that there was coercion. Their evidence was the most damning of all, and these very men had been summoned for breach of contract. But I am not concerned with this aspect of the case. If intimidation was resorted to the criminal law provided a remedy; if breach of contract was committed, there was the Master and Servant Act, 1867, to punish.

12. *Verdict and Sentence.*—The case was argued at great length by counsel on both sides and by the judge as to the validity of the several counts. Some were disposed of. The jury found the prisoners guilty of one form of conspiracy, as indicated by the judge, but recommended them to mercy. The judge sentenced them to be kept in prison for twelve calender months. In order to justify such an outrageous sentence the judge based his decision upon the Common Law as to conspiracy.

13. *Legal Opinion of Verdict and Sentence.*—On December 20th the secretary of the Defence Committee received a letter from the solicitors; a meeting of the Committee was thereupon convened for the following day, when the letter was read. It stated that having only been instructed after the sessions had commenced, and true bills had been found against the prisoners, they (the solicitors) had great

difficulty in obtaining an interview with the prisoners, and were only able to do so by applying to the judge for an order for that purpose. A postponement of the trial until the next sessions was also applied for, but "positively refused" by Mr. Justice Brett. "It was only with great difficulty that counsel obtained a delay of a single day to enable us to defend them." The letter continued: "The judge summed up very strongly against them (the prisoners), and put the two following questions to the jury":

"1st. Was there an agreement or combination to force Mr. Trewby and the gas company to conduct the business of the company contrary to their own will, by any improper threat or improper molestation? If so, that is an offence at Common Law, which is not abrogated by the Trade Union Act. If there were any annoyance or unjustifiable interference, that would be an improper molestation."

"2nd. Was there an agreement or combination to prevent the company carrying on their business according to their own will, by means of a simultaneous refusal of the men to carry out their contract? If the jury answered the first proposition in the affirmative, the prisoners would be guilty upon the first and second counts of the indictment. If the second proposition was answered in the affirmative they would be guilty upon the third count.

"The jury answered the second proposition only in the affirmative, and the prisoners were therefore convicted upon the third count, which charged the prisoners with conspiring to break their contracts with the company, by leaving the company's service without giving the notice required by the contracts they had entered into."

14. *Legal Effect of the Verdict.*—The letter ends thus: "If the jury had answered the first proposition of the judge in the affirmative, it would have been very desirable to have got a point of law reserved, if possible, in order to test the soundness of the law as laid down by Mr. Justice Brett in that proposition, because it is so wide that if it were held to be good law, it would be very difficult for any body of men to combine together to obtain terms from their employers which the employers might not be ready to grant of their own free will, without exposing themselves to the risk of a criminal prosecution for conspiracy. As the jury, however, only replied in the affirmative to the second proposition, and so convicted

the prisoners upon the third count of the indictment, there is no opportunity to carry the case further, because there can be no doubt that under the existing laws it is a statutable offence to break a contract of service, and, therefore, a Common Law misdemeanour to conspire to commit the offence."

15. *Decisions of and action by the Defence Committee.*—Upon the reading of the solicitors' letter the Committee at once decided to take action. They first elected a sub-committee to issue an appeal for funds to pay the costs of the trial and support the men's families while they were in prison. It was next resolved to ask "the Home Secretary to receive a deputation on the subject, urging a remission of the sentence passed on the men." At that meeting I warmly contested the validity of the severe sentence passed by Mr. Justice Brett, contending that conspiring to commit a crime could not lawfully carry a heavier sentence than the committal of the crime, supposing that the Statute Law had fixed a maximum punishment. In this case the men had conspired to break a contract, or contracts; breaches of contract had followed; of that offence the men were found guilty; the maximum penalty for breach of contracts of service was "a term not exceeding three months"; therefore, said I, the sentence of twelve months will not hold good. The Committee thereupon requested me to prepare a memorial, to be presented to Mr. Bruce by the deputation, if he consented to receive it. It was then agreed to summon a full committee for December 28th.

16. *Correspondence with Mr. Bruce.*—A letter was sent to the Home Secretary asking him to receive a deputation on December 23rd; on the 27th a reply was sent by Mr. R. S. Mitford, acknowledging its receipt, adding: "Mr. Bruce desires me to say, before giving an answer to your request, he would be glad to be informed of the specified points which the deputation wishes to lay before him at the proposed interview." At the Committee meeting on the following day, December 28th, the following points were ordered to be put to the Home Secretary: "1st. Is

Mr. Justice Brett's summing up, as represented in the *Times* newspaper report, a correct exposition of the Common Law of conspiracy? 2nd? What was the intention of the Government in inserting the clauses and provisions respecting conspiracy in the Trade Union Act and the Criminal Law Amendment Act?" The drafted circular appealing for funds was read and adopted, being signed by William Allan, George Howell, Robert Applegarth, George Potter, Daniel Guile, Henry Broadhurst, and twelve other labour leaders; also by Messrs. Thomas Hughes, M.P., Frederic Harrison, Henry Crompton, William Cobbett, William Mackenzie (barristers); Professor Beesly, Captain (afterwards Admiral) Maxse, Rev. J. M. Murphy, and others. In the circular issued the Committee called particular attention to the following remarks of Mr. Justice Brett in passing sentence: "The time had come, when a serious punishment, and not a nominal or light one, must be inflicted—a punishment that would teach men in your position that though, without committing any offence, they may be members of a trade union, or might agree to go into an employment or leave it without committing any offence, yet they must take care when they agree together that they shall not do it by illegal means. If they do that they are guilty of a conspiracy, and if they mislead others they are guilty of a wicked conspiracy." Singularly enough the third count did not charge these men with breaking their contracts at all, only with conspiring to do so—was conspiring to do so a greater offence than the act itself?

17. *Mr. Bruce's Attitude.*—The committee met again on January 7, 1873. A letter from the Home Office, signed A. F. O. Liddell, dated January 4th, was read, in which he said that Mr. Bruce invariably declined "to receive deputations for the purpose of inducing him to alter sentences passed in courts of law." But he suggested that if a memorial was sent to him, "setting forth the grounds for mitigating the sentence on the gas stokers, it would receive his (Mr. Bruce's) most careful attention." Mr. Bruce also declined to receive a deputation on the

subjects submitted to him in two questions put to him by the Committee. The letter added: "The Secretary of State is not a court of appeal from the decisions of her Majesty's judges on questions of law, and has no authority to overrule them." It went on to say that "the court for the Consideration of Crown Cases Reserved is the proper tribunal to decide such questions." The letter added that the counsel engaged should have asked for a case, and threw the onus of not doing so upon the defence. But, as we have seen, counsel was debarred by reason of the verdict being on the third count. This ought to have been known at the Home Office. Mr. Bruce peremptorily refused to receive a deputation on the subject, or upon the questions submitted to him, or to discuss the matter in any way. He would only answer in Parliament as to the Government's intention of retaining or repealing the Criminal Law Amendment Act. Mr. Bruce could be curt and brusque when he liked; on this occasion he emphasised these qualities.

18. *Memorial to Home Secretary.*—"After some very strong expressions of feeling on the Home Secretary's letter"—I quote from the report—the memorial as prepared was read and agreed to, the Secretary being instructed to forward it to the Home Office—the report adds: "And here let it be stated that the memorial was prepared by Mr. George Howell, and, although the legal gentlemen on the Committee held views differing in some respects from those therein expressed, they offered no opposition to its being sent." I may perhaps be allowed to add that six barristers were present at the meeting; they all demurred, more or less, to that part of the memorial which called in question the legality of the sentence. I regarded it as a strong point, and urged its adoption. After considerable discussion, during which the opinion veered round to my view, to some extent, Mr. Thomas Hughes said: "Well, let us send it, it can do no harm;" thereupon it was adopted without dissent and sent as drafted.

19. *Contention in the Memorial.*—The memorial was a

lengthy one, covering the whole case, and quoting sections of Acts of Parliament which applied, or seemed to apply. It contended that the law as laid down by the judge was not sound; that the specific charges against the men were not proven; and, if wrong in these contentions, that the sentence was excessive and unauthorised by law. It stated that the men were prosecuted by one party for one offence, and that they were punished for another. Special stress was laid upon the fact that for breach of contract, even when "aggravated by misconduct," the extreme penalty was limited to three months' imprisonment.

20. *The Home Office: Remission of Sentence.*—The Defence Committee waited anxiously for an answer from Mr. Bruce to the memorial sent at his own request. Three weeks elapsed—still no reply. The Committee was thereupon convened; it met on February 1, 1873, when a surprise awaited it. The report says: "By a careful perusal of the memorial it will be seen that it dealt with the entire subject. Notwithstanding that the memorial was sent at the invitation of the Home Secretary, the Committee did not receive an answer to it. At the next meeting of the Committee, held on February 1st, a telegram was received from Mr. Mundella, M.P., stating that Mr. Bruce, the Home Secretary, had, upon a memorial from the imprisoned gas stokers themselves, commuted the sentence of twelve months' imprisonment, passed upon the convicted gas stokers by Mr. Justice Brett, to imprisonment of four months, thus taking off eight months of their incarceration. The Committee knew nothing whatever of the memorial from the men to the Home Office; but from inquiries made it appeared that the memorial sent from this Committee to the Home Office had so bothered them that they were forced to take action of some kind. They could not confirm the sentence passed by Mr. Justice Brett; neither did they like to surrender to the views of our memorial. A third course was open to them, which they availed themselves of, viz., to call in the services of a friend who would arrange a memorial from the prisoners themselves."

21. *The Men's Memorial—how Arranged.*—I am able to supply the missing link. My lips were sealed at the time, because I was taken into confidence. But the facts ought to be known. The "friend" whose services were requisitioned by the Home Office was Mr. Thomas Hughes, M.P. He suggested that Messrs. Shaen, Roscoe, and Massey should be entrusted with the matter. I was waited upon to know whether I had any objection to a memorial from the men, and whether, if the sentence were commuted to four months' imprisonment, I would consent to allow the Committee's memorial to drop, in so far as action in the House of Commons was concerned. I was thus approached, not merely as the writer of the memorial, but as secretary to the Parliamentary Committee of the Trades' Congress. By degrees I learned the position of affairs. Legal opinion at the Home Office was somewhat divided upon the subject of the sentence. Then the memorial was remitted to the law offices of the Crown—the Attorney-General and Solicitor-General. Here again there was a slight divergence—one held one opinion, the other another. Mr. Justice Brett was consulted, and then a compromise was suggested which left the question of the legality of the sentence unquestioned, while its severity was reduced by two-thirds of the period of imprisonment. I was consulted as to the terms of the men's petition for mercy; the representative of Messrs. Shaen, Roscoe, and Massey had free access to the prisoners to obtain their signatures; the whole expense was borne by the Home Office, and the men were in due course released. The Committee's memorial was therefore successful beyond expectation, though it did not quite accomplish what the writer thereof desired.

22. *Decisions of Defence Committee as to Further Action.*—Whilst the Committee (I quote the report) appreciated the remission of the sentence so far as it went, they were greatly dissatisfied with the evasive manner in which it had been done; more especially as the Government had by so acting shirked the responsibility of giving an opinion on the law. The views and feelings of the Com-

mittee are best expressed by the following resolutions unanimously passed at the meeting held on February 1, 1873 :—

"1st. That the Home Secretary, in asking from the Committee a memorial on behalf of the imprisoned gas stokers, and in not having even acknowledged its receipt, or replied to its prayer, has committed an act of discourtesy to the Committee, and that such conduct is not likely to meet the approval of the masses of the working people.

"2nd. That this Committee is strongly of opinion that the remission of sentence, reducing the imprisonment of the gas stokers to four months, is wholly inadequate to the justice of the case, and, therefore, the Committee will continue to urge the immediate liberation of the men so unjustly imprisoned.

"3rd. That the Committee, in addition to its present duties, resolves itself into a committee of agitation for procuring the repeal of the penal laws against the working classes, and that a fund be raised for that purpose."

In accordance with the last resolution some great meetings were held in London, but the further work in this connection devolved upon the Parliamentary Committee, the proceedings of which will be resumed later on.

23. *Funds and Disbursements.*—The original object of the fund started by the Committee was the defence of the men tried for conspiracy ; then the relief of the families of the five men sentenced to twelve months' imprisonment. Subsequently the Committee extended such relief to the families of the men who had been sentenced to six weeks and one to three months for breach of contract. The distribution of the funds was specially confided to Mr. Henry Broadhurst, the secretary, and Mr. Daniel Guile, the treasurer, subject always to the decisions of the Committee. On one occasion an outsider, that is, one not on the Committee, offered to become the almoner—to "relieve Mr. Broadhurst of some of the work," he said. Mr. Broadhurst consulted me on the matter, when I said, "We hold you responsible for the disbursement of the funds, and if you delegate the work to another it will be at your peril." The man who thus was refused nearly ten years afterwards remembered the refusal, and sought to besmirch Mr. Broadhurst's character and mine by an accusation of a misuse of the funds. I could not have

misused them if I would, for I never had the spending of any portion. I, with Mr. William Allan, audited the accounts which were duly vouched, the whole being admirably kept by the treasurer, Mr. Daniel Guile. Every penny up to date was accounted for, and the Committee unanimously passed the balance sheet and report, copies of which were sent to the newspapers to all subscribers, to every member of the Committee, and to the officers of the chief trade unions at that date.

24. *Object of the Fund.*—The secretary reported to the Committee every case in which relief was granted, the amount in each case, and the circumstances of the recipients. This refers to those who were prosecuted, convicted, and imprisoned for breach of contract in the batch summoned and sentenced at the Woolwich police-court. Some of these men, it would appear from what afterwards transpired, regarded themselves as heroes, and as such entitled to more than the Committee sanctioned and voted. But we did not consider them heroes, only as victims, harshly punished under an unjust law. We condemned the gas-stokers' strike. No member defended it. What we denounced was the way in which the prosecution was conducted; the issue of five hundred summonses to be used for the purpose of weeding out the men's leaders; and the use of the Common Law of conspiracy to crush the movement for bettering the condition of the workers. The labour leaders saw in those prosecutions a menace and danger to trade unions, and the latter contributed money to avert that danger by the defence of the men charged with conspiracy; the assistance given to the families after conviction was because of the cruel sentence, a vindictive sentence as we all regarded it, not for the offence, not because of any actual injury done to the complaining party, not for violence or threats, but because injury might have been caused to a third party—the public, in no way concerned in the prosecution, and not, as it happened, inconvenienced or affected by the dispute.

25. *Close of Subscription List.*—At a meeting of the Defence Committee held on February 20th, it was

decided to close the subscription list, and issue an address to the trades and subscribers. The address stated that the fund subscribed sufficed for the purpose for which it was designed, thus: "Every proper provision has been made for the men and their families, as well as considerable help rendered to those imprisoned by the magistrates. For this purpose nothing more is needed." It went on to say that "a properly audited balance sheet would be published in the *Beehive*, giving a detailed statement of the whole of the income and expenditure." This was in due course done. The address then referred to further action as the outcome of the prosecution, the nature of which will appear in another chapter.

26. *Released. Reception of the Men.*—The five imprisoned gas stokers were released from Maidstone Gaol, Tuesday, April 16, 1873, having then completed the commuted sentence of four months' imprisonment. The Maidstone Trades Council, and deputations from the London Trades Council, the Defence Committee, the Reformers' Union, the Democratic League, and the Patriotic Club, also from the Canterbury, Chatham, Dartford, and other Labour Councils in Kent, met at Sun Inn, High Street, Maidstone, at 8.30 a.m., and thence proceeded to the prison gates to welcome the five men on their release at nine o'clock. They were received by the vast concourse assembled with loud and prolonged cheers; they were escorted to a carriage and followed by a large procession to the Sun Inn, where an excellent breakfast had been provided.

27. *The Defence Committee's Work Completed.*—The men were in good health, apparently none the worse for their incarceration. They stated that the governor of the gaol and his subordinates had treated them well during their incarceration. The men were in their best attire, for the Committee had sent their best clothes to the gaol in advance. Speeches were made at the breakfast. Mr. George Shipton addressed the vast crowd outside in the High Street; a great meeting was held in the Corn Exchange in the evening; and subsequently the men

were entertained by the trades in London. The men expressed their gratitude for what had been done in their behalf, as regards their defence, in the commutation of their sentence, the support of their families, and the splendid welcome accorded to them on their release. It was stated that the secretary of the Defence Committee had personally visited their homes every week during their incarceration. Two of the men, Thomas Dilley and George Ray, with their wives and families, were, at their own request, sent to New York, passage paid, by the Committee. The other three were assisted until they found employment. The story of the gas-stokers' strike, prosecution, trial, conviction, sentence, its commutation and their release, has been told at some length because of the importance of the event, the interest it excited, and the effects as regards the agitation for the repeal of the Criminal Law Amendment Act, the Master and Servant Acts, and for the reform of other laws affecting labour. The action taken and its results will be told subsequently.[1]

[1] An extended Authorised Report of all proceedings connected with the Gas Stokers' Case, the prosecution, memorial for the men's release, and an account of all money subscribed and expended, was published by the Committee in a pamphlet, copies of which were sent to all subscribers, and to the newspapers.

END OF VOL. I.

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